

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**ORDER NO. R6T-2006-0046**

**APPROVING A SETTLEMENT OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
NO. R6T-2005-0029,  
PROPOSED BY THE DISCHARGERS  
C. GEOFFREY AND CHRISTINE DAVIS, HANS AND MARGARET COFFENG, AND  
PACIFIC BUILT, INC.  
FOR VIOLATION OF WASTE DISCHARGE PROHIBITIONS PRESCRIBED IN THE  
*WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*,  
FOR THE UNAUTHORIZED DISCHARGE OF UNTREATED DOMESTIC  
WASTEWATER TO LANDS BELOW THE HIGH-WATER RIM OF LAKE TAHOE ON  
JULY 19, 2005 AT  
7770 AND 7780 NORTH LAKE BOULEVARD, KINGS BEACH,  
PLACER COUNTY ASSESSOR'S PARCEL NUMBERS 117-180-017 AND -018,  
WDID NO. 6A310408003**

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Pursuant to California Water Code ("Water Code") Sections 13323 and 13350 and California Government Code Section 11415.60, the California Regional Water Quality Control Board, Lahontan Region ("Water Board") hereby finds:

1. The Water Board has been presented with a proposal to settle Administrative Civil Liability Complaint No. R6T-2005-0029<sup>1</sup> (see Attachment I, which is made a part of this Order), which proposal has been negotiated between the Water Board's Prosecution Staff on the one hand and on the other hand, C. Geoffrey and Christine Davis, Hans and Margaret Coffeng, and Pacific Built, Inc. (hereafter collectively referred to as the "Dischargers").
2. The settlement proposal would resolve both the above-referenced Administrative Civil Liability Complaint against the Dischargers and the litigation currently pending between the Dischargers and the North Tahoe Public Utility District ("NTPUD").
3. The settlement proposal states that if approved by the Water Board, the Dischargers will pay \$26,840.00 to the Waste Discharge Permit Fund and \$298,160.00 to the NTPUD for the NTPUD's purchase of a portable sewer bypass hose reel system, as specified in the settlement agreement between NTPUD and the Dischargers (see Attachment II, which is made a part of this Order), as a Supplemental Environmental Project ("SEP"), with both payments to be made within 30 days from the date of receipt of a signed order which provides that the Water Board has approved the

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<sup>1</sup> The Water Board's Assistant Executive Officer reduced the recommended amount of administrative civil liability during the Water Board's May 11, 2006 public hearing from \$700,000 to \$325,000 due to a correction in the alleged discharge volume.

proposed settlement of the Administrative Civil Liability Complaint against the Dischargers, as specified herein and including attachments.

4. The Dischargers have provided adequate assurance to the Water Board that they will make the above-referenced payments within 30 days from the date of receipt of a signed order which provides that the Water Board has approved the proposed settlement of the Administrative Civil Liability Complaint against the Dischargers, as specified herein and including attachments.
5. The NTPUD has provided adequate assurance to the Water Board that:
  - 1) The NTPUD is committed to ordering the specified portable sewer bypass hose reel system within 30 days of receiving payment from the Dischargers,
  - 2) The equipment will be delivered to the NTPUD within 120 days of placing the order,
  - 3) The NTPUD is committed to providing training for all necessary personnel (NTPUD staff and staffs of the sewer collection entities in the Lake Tahoe and Truckee area that are part of the regional mutual aid agreement) within 45 days of NTPUD's receipt of the equipment,
  - 4) The NTPUD is committed to making the portable sewer bypass hose reel system available for emergency use only by all of the sewer collection entities within the Lake Tahoe and Truckee area that are part of the regional mutual aid agreement, and
  - 5) The NTPUD will maintain the system in good working order and in a manner that ensures its availability for emergency response (see Attachment III, which is made a part of this Order).
6. The SEP meets the criteria established by the State Water Resources Control Board ("State Board") in its *Water Quality Enforcement Policy*, dated February 19, 2002.
7. The Water Board desires to conclude all existing disputes between the Dischargers and the Water Board.
8. The Dischargers deny and dispute all liability in the Administrative Civil Liability Complaint against them, as well as the amount of discharge alleged, and in the litigation currently pending between them and the NTPUD, but without admitting or conceding any liability in either proceeding, the Dischargers have proposed the settlement specified herein to resolve both proceedings.
9. The settlement of the Administrative Civil Liability Complaint as proposed herein, including attachments, is supported by the Water Board's Prosecution Staff, the Dischargers and the NTPUD.
10. The Dischargers agree that if the Water Board approves the settlement as specified herein, including attachments, and if the Water Board adopts this Order approving

the settlement specified herein, including attachments, none of them will petition the State Board to review or otherwise challenge this Order.

11. The action to adopt an Order approving this settlement proposal which resolves the Administrative Civil Liability Complaint, is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations (Enforcement Actions by Regulatory Agencies), Section 15321(a)(2).
12. Any aggrieved person may petition the State Board to review this action by the Water Board in accordance with Water Code section 13320 and the State Board's regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at <http://www.waterboards.ca.gov/wqpetitions/index.html> and will also be provided upon request.

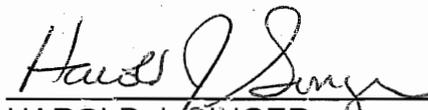
**IT IS HEREBY ORDERED THAT:**

1. The California Regional Water Quality Control Board, Lahontan Region, hereby approves the proposed settlement of the Administrative Civil Liability Complaint against the Dischargers, as specified herein and including attachments.
2. Subject to the provisions of the next paragraph, the Dischargers must make payment in the amounts specified to both the Waste Discharge Permit Fund and the NTPUD within 30 days from the date of receipt of a signed order which provides that the Water Board has approved the proposed settlement of the Administrative Civil Liability Complaint against the Dischargers, as specified herein and including attachments. If these specified payments are not timely made, the Dischargers must pay \$325,000 to the Waste Discharge Permit Fund within 60 days from the date of receipt of a signed order which provides that the Water Board has approved the proposed settlement of the Administrative Civil Liability Complaint against the Dischargers, as specified herein and including attachments.
3. The Water Board's Executive Officer is authorized to extend the compliance dates specified in the preceding paragraph if the Executive Officer determines that circumstances beyond the control of the Dischargers have prevented them from satisfying any obligation specified in the preceding paragraph, despite the Dischargers' best efforts to fulfill the obligation. In the event that such a situation develops, the Dischargers must submit to the Executive Officer a written notice providing a description of the circumstances they believe have or will prevent them from satisfying any obligation specified in the preceding paragraph, an explanation of how the circumstances have or will cause the delay, the anticipated duration of the delay, and a description of all actions the Dischargers have taken or will take to prevent or minimize the delay and a schedule of such actions. This written notice must be submitted within 21 days of identifying the circumstances, or within 5 days of becoming past due of the relevant compliance dates specified in the preceding paragraph, whichever period is shorter.

Within 21 days of receiving such a notice, the Executive Officer will notify the Dischargers in writing if the Executive Officer agrees or disagrees with the Dischargers' assertions regarding the circumstances effect upon the Dischargers' ability to meet their obligations specified in the preceding paragraph. If the Executive Officer agrees with the Dischargers' assertions, the Executive Officer will provide revised compliance dates in the above-referenced notification. If the Executive Officer disagrees with the Dischargers' assertions, the Executive Officer will provide the reasons for denying an extension of the compliance dates in the above-referenced notification.

4. If the Dischargers fail to make the specified payments to the Waste Discharge Permit Fund and to the NTPUD within the time limits specified in this order, or as may be specified by the Water Board's Executive Officer pursuant to the provisions of the preceding paragraph, the Water Board may enforce this Order approving the settlement by applying for a judgment in the amount of \$325,000 pursuant to Water Code section 13328 and further, the Dischargers agree not to oppose the issuance of a clerk's judgment pursuant to Water Code section 13328 for the amount due as provided by this Order approving the settlement. The Water Board's Executive Officer is hereby authorized to collect as any other civil judgment the full amount due under the settlement in any manner permitted by California law, including a referral to the Attorney General's Office.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 11, 2006.

  
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HAROLD J. SINGER,  
EXECUTIVE OFFICER

- Attachments:
- I. Administrative Civil Liability Complaint No. R6T-2005-0029
  - II. August 7, 2006 Settlement Proposal and Supporting Documents
  - III. North Tahoe Public Utility District Assurances