

Lahontan Regional Water Quality Control Board

FOR IMMEDIATE RELEASE
December 15, 2005
RWB 05-003

Contact: Chuck Curtis
(530) 542-5460

LAHONTAN REGIONAL WATER BOARD PROPOSES \$700,000 PENALTY FOR JULY'S LAKE TAHOE SEWAGE SPILL

SOUTH LAKE TAHOE--Following last July's massive Lake Tahoe sewage spill, the Lahontan Regional Water Quality Control Board has proposed a \$700,000 penalty for the two property owners involved and the contractor they hired to build a pier.

The Administrative Civil Liability complaint is for the 120,000 gallons of untreated sewage that erupted from under the Tahoe lakebed when the contractor's pile driver punched a hole in a buried sewer pipe just off shore from Kings Beach (Placer County). The complaint states that the maximum penalty for the incident could be \$1,200,000 but that the reasonable penalty is about 60 percent of that amount.

Named in the complaint are C. Geoffrey and Christine Davis and Hans and Margaret Coffeng, the two property owners, and the contractor they employed to build a pier, Pacific Built, Inc.

The spill occurred the afternoon of July 19, 2005 when Pacific Built Inc., punctured a 14-inch sewer force main while driving a pile for a pier support. The North Tahoe Public Utility District (NTPUD) owns the sewer main. Pressurized sewage spewed into Lake Tahoe for about five hours, but much of it was trapped and returned to the sewer system. However, enough pollution reached the waters of Lake Tahoe that local North Tahoe beaches had to be closed for 10 to 16 days.

The complaint also states that Pacific Built, Inc., failed to check with Underground Service Alert of Northern California (USA North) before beginning construction. Such a check represents "a typical standard of care to locate underground utilities prior to commencing an excavation activity."

However, the complaint also notes that the construction company employees offered their help and equipment to the NTPUD in the hours after the pipe was punctured.

The property owners and contractor ("dischargers") face a hearing within 90 days. If the proposed penalty is imposed, the money will be paid to the Waste Discharge Permit Fund to protect the state's water quality.

The Lahontan Water Board protects and restores water quality east of the Cascade and Sierra Nevada crests from the Oregon border through the Mojave Desert.



California Regional Water Quality Control Board

Lahontan Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

December 14, 2005

Thomas J. Ragan, President/RMO
Pacific Built Inc.
P.O. Box 6694
Tahoe City, California 96145

Certified Mail: 7099 3220 0003 9762 2249

C. Geoffrey and Christine Davis
547 El Arroyo Road
Hillsborough, California 94010

Certified Mail: 7099 3220 0003 9761 9997

Hans and Margaret Coffeng
310 15th Avenue
Santa Cruz, California 95062-4828

Certified Mail: 7099 3220 0003 9762 2225

COMPLAINT NO. R6T-2005-0029, ISSUED TO C. GEOFFREY AND CHRISTINE DAVIS, HANS AND MARGARET COFFENG, AND PACIFIC BUILT, INC., FOR THE UNAUTHORIZED DISCHARGE OF UNTREATED DOMESTIC WASTEWATER TO LAKE TAHOE, LOCATED AT 7770 AND 7780 NORTH LAKE BOULEVARD, KINGS BEACH - PLACER COUNTY ASSESSOR'S PARCEL NOS. 117-180-017 AND -018, U.S. ARMY CORPS OF ENGINEERS IDENTIFICATION NO. 200400589, WDID NO. 6A310408003

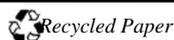
Enclosed for your immediate consideration is the above-referenced Complaint. The Complaint is issued in response to the discharge of raw sewage to lands below the high-water rim of Lake Tahoe. The discharge occurred when your contractor punctured a sewer force main while driving a piling for a pier support. The discharge volume is estimated to be at least 120,000 gallons. The discharge occurred on July 19, 2005.

The July 19, 2005 discharge was in violation of Waste Discharge Prohibitions specified in the *Water Quality Control Plan for the Lahontan Region*.

If you decide to waive a hearing regarding this matter and remit payment to the Regional Board, sign and return the original WAIVER OF HEARING form (enclosed) to our South Lake Tahoe office. In accordance with 40 CFR Section 123.27(a), a 30-day public comment period will be required for a proposed settlement of administrative civil liability.

If you choose not to waive the hearing, it will be held at the Regional Board's February 8 and 9, 2006 meeting in Kings Beach. To ensure the Regional Board has the opportunity to fully study and consider written material, all material must be submitted at least ten (10) days before the hearing. This will allow distribution of material to the Board Members in advance of the hearing. Pursuant to Title 23 California Code of Regulations Section 648.4, the

California Environmental Protection Agency



Regional Board may refuse to admit written testimony into evidence if submitted late, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from the late admission of the written testimony, the Regional Board may refuse to admit it.

You may petition the State Water Resources Control Board to review the decision of the Regional Board in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days after the Regional Board meeting at which the action will be taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions or comments regarding this matter, please contact Eric J. Taxer, Water Resource Control Engineer, at (530) 542-5434, or Scott Ferguson, Senior Engineer, at (530) 542-5432.

Original Signed By

ROBERT S. DODDS
ASSISTANT EXECUTIVE OFFICER

Enclosures: Complaint No. R6T-2005-0029
Waiver of Hearing Form

Cc(w/ACL Complaint):

Regional Board Members
David Coupe, Office of Chief Counsel, State Water Resources Control Board
Steven Blum, Office of Chief Counsel, State Water Resources Control Board
Mark Bradley, Office of Statewide Initiatives, State Water Resources Control Board
Oscar Balaguer, State Water Resources Control Board, Division of Water Quality
Mary Hays, California State Lands Commission
Tom Cavanaugh, US Army Corps of Engineers, Sacramento District
Richard Gebhart, U.S. Army Corps of Engineers (Reno)
Vada Camacho, California Department of Fish and Game
Alan Breuch, Placer County Planning Department
Brian Jones, Placer County Environmental Health Department
Vickie M. Sandoval, Placer County Department of Health and Human Services
Lindsay Cunningham, Placer County Department of Health and Human Services
Dick Simmons, Emergency Services Coordinator, Placer County Office of Emergency Services
Dennis M. Zabaglo, Tahoe Regional Planning Agency
Brian Judge, Tahoe Regional Planning Agency
Joanne Marchetta, Agency Counsel, Tahoe Regional Planning Agency
Leah Kaufman, Leah Kaufman Planning & Consulting Services
Mark D. Hudak, Carr McClellan Ingersoll Thompson & Horn
Drew Briner, Briner Law Offices

Steven R. Rogers, General Manager, North Tahoe Public Utility District
Ken Greenberg, U.S. Environmental Protection Agency, Region IX/Wetlands
Regulatory Office (WTR-8)
Leo Drozdoff, Administrator, Nevada Division of Environmental Protection
Jane Freeman, US EPA, c/o TRPA

EJT/didT:/Enforcement Orders/ACL / Davis-Coffeng, ACL Cover Letter
[File Under: 401/Davis & Coffeng Multiple Use Pier/WDID No. 6A310408003]