

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

2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150

NOTICE OF CONTINUED PUBLIC HEARING

Concerning

CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY

Concerning

C. GEOFFREY AND CHRISTINE DAVIS, HANS AND MARGARET COFFENG,
AND PACIFIC BUILT, INC.

Placer County

The California Regional Water Quality Control Board, Lahontan Region (hereafter Lahontan Water Board), will continue the hearing on the above matter during its regular meeting on July 25-26, 2006.

IMPORTANT: WRITTEN COMMENTS ON THE JUNE 16, 2006 REVISED PROPOSED ADMINISTRATIVE CIVIL LIABILITY ORDER ARE DUE JULY 3, 2006. IF A SECOND REVISION TO THE PROPOSED ORDER IS ISSUED, COMMENTS ON THE SECOND REVISION TO THE PROPOSED ORDER ARE DUE ON JULY 20, 2006.

The Assistant Executive Officer of the California Regional Water Quality Control Board, Lahontan Region, issued a Complaint for Administrative Civil Liability in the amount of \$700,000 to C. Geoffrey and Christine Davis, Hans and Margaret Coffeng, and Pacific Built, Inc. The Administrative Civil Liability Complaint alleges that on July 19, 2005, Pacific Built, Inc., a contractor hired by Hans and Margaret Coffeng and C. Geoffrey and Christine Davis to construct a multiple use pier, punctured a 14-inch sewer force main while driving a pile for pier support. The Administrative Civil Liability Complaint also alleged that a minimum of 120,000 gallons of untreated wastewater was discharged into Lake Tahoe.

On May 11, 2006, the Lahontan Water Board held a hearing on the matter. At the hearing all designated parties presented evidence, cross-examined witnesses and presented closing statements. Prior to the close of the portion of the hearing during which testimony was accepted and in response to the evidence presented at the hearing, the Lahontan Water Board staff indicated that it was modifying the amount of the maximum liability and the liability it was seeking in the Complaint. The Lahontan Water Board continued the hearing and requested that the Lahontan Water Board staff prepare and circulate a revised proposed

Administrative Civil Liability Order. On June 16, 2006, the Lahontan Water Board staff issued a revised proposed Administrative Civil Liability Order recommending an administrative civil liability of \$325,000.

The parties named in the Complaint have not waived their right to a hearing. The Lahontan Water Board will be asked whether to issue an administrative civil liability to C. Geoffrey and Christine Davis, Hans and Margaret Coffeng, and/or Pacific Built, Inc. in the amount of \$700,000 or the amount in the revised proposed Administrative Civil Liability Order (\$325,000), some different amount, or to reject any proposed order. The Lahontan Water Board may consider assessing liability in different amounts for each party after considering the factors in Water Code section 13327, including ability to pay, the effect on the ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, and economic benefit, if any.

TIME

A **continuation of the formal public hearing** concerning this matter will be held during the Lahontan Water Board meeting, which is scheduled for:

DATE: July 25-26, 2006
TIME: 2:00 p.m. - July 25, 2006
8:30 a.m. - July 26, 2006
PLACE: City of South Lake Tahoe Council Chambers
South Lake Tahoe Airport
1901 Airport Road
South Lake Tahoe, CA 96150

An agenda announcement for this meeting will be available by July 7, 2006. This announcement will provide more specific information about the date and time of this hearing. The announcement will be sent to all designated and known interested parties and will be available at:
<http://www.waterboards.ca.gov/lahontan>.

DESIGNATED PARTIES

Designated Parties are as follows:

- Lahontan Water Board Staff
- C. Geoffrey and Christine Davis & Hans and Margaret Coffeng
- Pacific Built, Inc.

CONDUCT OF HEARING

The procedures governing Lahontan Water Board meetings may be found in California Code of Regulations, title 23, section 648 et seq. Hearings before the Lahontan Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing

http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available by contacting Ms. Laurie Applegate at (530) 542-5414.

At the May 11, 2006 Lahontan Water Board meeting, the Lahontan Water Board continued the hearing for the purpose of deliberating on the evidence, considering a revised proposed order, and receiving and considering comments on a revised proposed order. Therefore, it is not expected that the Lahontan Water Board will accept any further evidence or testimony on this matter. At the continued hearing, the Lahontan Water Board will review the revised proposed order for Administrative Civil Liability, written and oral comments on the revised proposed Administrative Civil Liability Order, and will deliberate on the evidence presented at the May 11, 2006 Lahontan Water Board meeting.

Each of the three designated parties will have **30 minutes** to present (summarize) its comments on the revised proposed Administrative Civil Liability Order and to provide a closing statement. Additionally, interested parties will have **5 minutes** to comment on the revised proposed order for Administrative Civil Liability.

There may be one or more breaks at the discretion of the Chair.

SUBMISSION OF WRITTEN MATERIALS

Designated parties and interested persons may submit (see next section for instructions) to the Lahontan Water Board and to all designated parties, comments on the revised proposed Administrative Civil Liability Order. The Lahontan Water Board must receive these comments by **3:00 p.m. on July 3, 2006**. This material will be made available to the Lahontan Water Board members.

The Lahontan Water Board Advisory Team may issue a second revision to the proposed Administrative Civil Liability Order. If the Lahontan Water Board Advisory Team issues a second revision to the proposed Administrative Civil Liability Order, this second revision will be available to all designated parties and interested persons no later than **July 11, 2006**. If a second revision to the proposed Administrative Civil Liability Order is issued by the Advisory Team, all designated parties and interested persons may submit (see next section for instructions) to the Lahontan Water Board and to all designated parties, comments on this second revised proposed Administrative Civil Liability Order. The Lahontan Water Board must receive these comments by **2:00 p.m. on July 20, 2006**. This submittal is limited to comments on any changes between the first and second revisions to the proposed Administrative Civil Liability Order and these comments will be made available to the Lahontan Water Board members.

Written comments received after the July 3, 2006 or July 20, 2006 deadlines and additional evidence will not be accepted, except at the discretion of the Chair.

Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice any designated party. The Chair may choose to modify this rule upon a showing of severe hardship. (Cal. Code Regs., tit. 23, §§ 648.1 & 648.4.) Any person seeking to submit late evidence must justify why the evidence could not have been submitted earlier.

INSTRUCTIONS FOR SUBMITTING DOCUMENTS

Copies of all written comments on the revised proposed order for Administrative Civil Liability must be sent to:

For the Lahontan Water Board:

Originals of all documents to:	And one copy to:
Harold J. Singer Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150	David P. Coupe, Esq. Staff Counsel State Water Resources Control Board Office of Chief Counsel 1001 I Street Sacramento, CA 95814

For Lahontan Water Board Staff:

Originals of all documents to:	And one copy to:
Robert S. Dodds Assistant Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150	Steven H. Blum, Esq. Senior Staff Counsel Office of Chief Counsel State Water Resources Control Board 1001 I Street Sacramento, CA 95814

For C. Geoffrey and Christine Davis, Hans and Margaret Coffeng:

Originals of all documents to:	And one copy to:
Mark D. Hudak, Esq. Carr McClellan Ingersoll Thompson & Horn 216 Park Road Burlingame, CA 94010	Mr. James R. Donahue, Esq. Rebecca Hamilton, Esq. Caulfield Davies & Donahue P.O. Box 277010 Sacramento, CA 95827-7010

For Pacific Built, Inc.:

Originals of all documents to:	And one copy to:
Drew Briner, Esq. P.O. Box 1880 Tahoe City, CA 96145	Bruce L. Shaffer, Esq. Paul C. Clauss, Esq. Lewis Brisbois Bisgaard & Smith LLP 2500 Venture Oaks Way, Suite 200 Sacramento, CA 95833

You must submit hard copies of all written comments on the revised proposed order for Administrative Civil Liability that you want to provide to the Lahontan Water Board members. In addition to the above recipients, submit **twelve (12) additional paper copies** of all written comments on the revised proposed order for Administrative Civil Liability to the Lahontan Water Board, attention Harold Singer.

Anyone having questions on the Administrative Civil Liability Complaint, the revised proposed order for Administrative Civil Liability or other related documents should contact Robert S. Dodds at (530) 542-5410. Interested parties may download the Administrative Civil Liability Complaint, revised proposed order for Administrative Civil Liability and related documents from the Lahontan Water Board's website at www.waterboards.ca.gov/lahontan. If you do not have Internet access or would like to receive a hardcopy of these documents, these documents may be inspected and copied at the Lahontan Water Board's office, Monday through Friday, excluding holidays, between 8:00 a.m. and 5:00 p.m. or you may request a copy to be mailed to you by telephoning Laurie Applegate at (530) 542-5414.

HEARING FACILITIES

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Laurie Applegate at (530) 542-5414 at least five (5) working days prior to the hearing. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

June 19, 2006

Dated



HAROLD J. SINGER

Executive Officer