LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

In the Matter of:	ORDER R6-2025-0020 (Proposed)
NORTH TAHOE PUBLIC UTILITY DISTRICT AND CALTRANS	**SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER; ORDER (PROPOSED)**
LAKE TAHOE, CA	

I. Introduction

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Executive Officer of the California Regional Water Quality Control Board, Lahontan Region (Regional Water Board), on behalf of the Regional Water Board Prosecution Team (Prosecution Team), and the North Tahoe Public Utility District (NTPUD) and the California Department of Transportation (Caltrans) (collectively, Dischargers, and with the Prosecution Team, Parties) and is presented to the Regional Water Board, or its delegee, for adoption as an order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60.

II. Recitals

2. The NTPUD provides water, wastewater, and recreation service to the residents and visitors of Kings Beach, Tahoe Vista, Carnelian Bay, Cedar Flat, and Agate Bay. NTPUD is an enrollee of the Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems, Order WQ 2022-0103-DWQ (Statewide Sanitary Sewer Systems General Order). The Sanitary Sewer Systems General Order regulates systems that convey sewage and addresses sanitary sewer spills with monitoring and reporting requirements. The Sanitary Sewer Systems General Order prohibits the discharge of sewage to waters of the State (section 4.2).

3. Caltrans is subject to the requirements of the NPDES Statewide Stormwater Permit and Waste Discharge Requirements, Order No. 2022-0033-DWQ, NPDES No. CAS000003 (Statewide Permit). The Statewide Permit covers discharges of stormwater and conditionally exempt non-stormwater from Caltrans municipal separate storm sewer systems. The Statewide Permit prohibits the discharge of waste, including sewage, to waters of the United States (section 3.7).

4. On July 18, 2024, a second-tier subcontractor was working on a Caltrans pedestrian crossing project (Caltrans Contract No. 03A3443, Construction on State Highway in Placer County on Route 28 Between Center Street and Carnelian Bay Avenue) within the Caltrans right-of-way on Hwy 28/North Lake Blvd and punctured a 24-inch diameter sewer force main. The sewer force main is owned and operated by NTPUD and is the main pipeline in the collection system for transporting raw sewage out of the Lake Tahoe area. The contractors involved in the Caltrans pedestrian crossing project included: B & M Builders, Inc.: Prime Contractor; St. Francis Electric, LLC (SFE): First-Tier Subcontractor; On Target Precision Locating (OTPL): First-Tier Subcontractor; Pacific Coast Drilling Company, Inc. (PCDC): Second-Tier Subcontractor (excavator).

5. The spill start date/time was July 18, 2024, at 8:00 PM, and the spill end date/time was July 19, 2024, at 3:00 AM, following completion of repairs to the sewer force main (according to NTPUD's Certified Spill Report and Spill Technical Report submitted on August 2, 2024, and September 3, 2024, respectively; attached). An estimated total of 122,800 gallons of raw sewage spilled between two locations: Spill Site #1 was at the force main strike along Hwy 28/North Lake Blvd and Spill Site #2 was near NTPUD's upstream lift station on Onyx St. Spill Site #1 is the subject of the alleged violation. The total volume of raw sewage originating from the force main break at Spill Site #1 is estimated at 103,300 gallons, of which an estimated 18,300 gallons was contained and returned to the sanitary sewer system, while an estimated 85,000 gallons flowed through the parking lot and discharged to Lake Tahoe at Carnelian West Beach.

6. On July 19, 2024, Placer County Public Health issued a health advisory for approximately 1.5 miles of Lake Tahoe's shoreline extending northeast of Carnelian West Beach to 5500 North Lake Blvd (at Manzanita Ave) and southwest of Carnelian West Beach to 4600 North Lake Blvd. The health advisory alerted the public that bacteria levels may be high in the area and that contact with the water could cause illness.

7. Daily water quality samples were collected along the Lake Tahoe shoreline starting on July 19, 2024, and measured bacteria levels greater than the United States Environmental Protection Agency's recreational water quality criteria recommendation. The health advisory was in place for a total of 13 days until bacteria levels subsided to normal levels along the full extent of the 1.5 miles of shoreline.

8. In addition to the health advisory, two public beaches were closed due to the elevated bacteria levels. Carnelian West Beach was closed for the full 13-day duration of the health advisory and Patton Landing Beach located east of the spill site was closed for a total of seven days from July 19, 2024, to July 25, 2024. The health advisory was lifted on July 31, 2024.

9. Water Code section 13385, subdivision (a) provides that a person who violates any of the following shall be civilly liable in accordance with subdivisions (b) and (c):

   (1) Section 13375 or 13376.

   (4) An order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5, if the activity subject to the order or prohibition is subject to regulation under this chapter. Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars ($3,000) shall be assessed for each serious violation.

   (5) A requirement of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the federal Clean Water Act (33 U.S.C. Sec. 1311, 1312, 1316, 1317, 1318, 1341, or 1345), as amended.

10. Water Code section 13376 prohibits the discharge of pollutants by any person, except as authorized by waste discharge requirements.

11. The Water Quality Control Plan for the Lahontan Region (Basin Plan) prohibits, pursuant to section 13243, the discharge of waste that could affect the quality of waters of the state that is not authorized by the State or Regional Board through waste discharge requirements or other appropriate regulatory mechanisms.

12. The federal Clean Water Act Section 301 prohibits the discharge of any pollutant into waters of the United States without authorization under specific provisions of the Clean Water Act.

13. Water Code section 13385 subdivision (c) allows the Regional Water Board to impose an administrative civil liability of up to ten thousand dollars for each day in which the violation occurs; and, up to ten dollars per gallon for every gallon discharged and not cleaned up that exceeds the first 1,000 gallons discharged.

14. As shown in Attachment A, herein incorporated by reference, the Prosecution Team alleges that NTPUD and Caltrans discharged 85,000 gallons of untreated wastewater (raw sewage) to Lake Tahoe, a water of the United States on July 18-19, 2024, which subjects the Dischargers to civil liability pursuant to Water Code section 13385.

15. The Parties have engaged in confidential settlement negotiations and agree to fully settle the violations alleged in this Stipulated Order without administrative or civil litigation and by presenting this Stipulation to the Regional Water Board, or its delegee, for adoption as an Order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60.

16. To resolve the violations by consent and without further administrative or civil proceedings, the Parties have agreed to settle an administrative civil liability against the Dischargers for the amount of eight hundred and fifty thousand dollars ($850,000). The Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein, and that this Stipulated Order is in the best interest of the public.

III. Stipulations

The Parties stipulate to the following:

17. **Jurisdiction:** The Parties agree that the Regional Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.

18. **Administrative Civil Liability:** The Dischargers hereby agree to settle the violations specifically alleged in this Stipulated Order for the amount of **eight hundred and fifty thousand dollars ($850,000)** (Stipulated Penalty) as follows:

    a. No later than 30 days after the Effective Date of this Order, the Dischargers shall submit a check or checks for five thousand dollars ($5,000) of the Stipulated Penalty to the State Water Resources Control Board (State Water Board). This payment constitutes the payment of a liability under Water Code section 13385. The check(s) shall be made to the "State Water Pollution Cleanup and Abatement Account," shall reference "Order No. R6-2025-0020," and shall be mailed to:

        State Water Resources Control Board Accounting Office
        Attn: ACL Payment
        PO Box 1888
        Sacramento, CA 95812-1888

The Dischargers shall provide a copy of the check(s) via email to the Regional Water Board (RB6enfproceed@waterboards.ca.gov).

    b. The Parties agree that the remaining balance of the Stipulated Penalty, totaling eight hundred and forty-five thousand dollars ($845,000) (SEP Amount) shall be utilized to implement the Secline Beach Supplemental Environmental Project (SEP) as described herein and in Attachment B, which is hereby incorporated by reference.

19. **SEP Requirements:** The Parties agree that the SEP Amount is to be spent on the SEP identified in Attachment B and that the SEP Amount shall be treated as a suspended administrative civil liability at the time of project completion for purposes of this Stipulated Order. The Regional Water Board is entitled to

recover any SEP funds that are not expended in accordance with this Stipulated Order. Detailed project descriptions, including milestones, budgets, and performance measures are attached hereto as Attachment B. Per the resolution, incorporated herein as Attachment C, the Director of the State Water Resources Control Board's Office of Enforcement has approved the project implementation schedule memorialized in Attachment B allowing for SEP completion within 48 months based on the findings in Attachment C.

20. **Nexus to the Violation:** The SEP Policy requires that a SEP has a nexus to the alleged violation. (SEP Policy, section VIII.F.) The SEP included in this Stipulated Order has a nexus to the location of the alleged violations because the primary benefits to be attained from the SEP is located within a 5-mile radius of the location of the violations and the SEP will benefit the same body of water (i.e. Lake Tahoe) harmed by the violation.

21. **SEP Categories:** The SEP Policy provides for seven categories of SEPs. (SEP Policy, section V.) The SEP is a "Public Health" and "Pollution Prevention" SEP as the project intends to further the human right to water and sanitation; and, prevent pollution from entering Lake Tahoe.

22. **Reporting Requirements for the SEP:** The Dischargers shall submit the following reports on SEP implementation to the Regional Water Board:

    a. **Quarterly Reports:** The SEP Policy requires quarterly reporting from the Dischargers, at a minimum. Quarterly Reports shall be due every three months until the SEP completion date. Quarterly reports are due in accordance with the schedule provided in Attachment B. The Quarterly Reports, at a minimum, must describe the tasks completed during the previous quarter, whether milestones and deadlines contained in Attachment B are being achieved and if not, the cause(s) of the delay(s) and the anticipated date of compliance with this Stipulated Order. The Quarterly Reports may also include descriptions and photos of activities completed during the previous quarter and an analysis of the SEP's progress. The first quarterly report shall be due three months from the date of adoption of this Order.

    b. **Certification of SEP Completion:** No later than the deadlines contained in Attachment B, the Dischargers must submit a final report that documents SEP completion and provides a certified statement of SEP completion (Certification of SEP Completion), signed under penalty of perjury, that documents the following:

        i. Certification of completion in accordance with the terms of this Stipulated Order, addressing how the expected outcome(s) for the project were met,

ii. Certification documenting the expenditures on the SEP during the completion period for the SEP, and

iii. Certification that all applicable environmental laws and regulations were followed in implementing the SEP, including the California Environmental Quality Act, Porter-Cologne Water Quality Control Act, and federal Clean Water Act.

iv. Documentation of SEP completion may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate SEP completion and the costs incurred.

23. **Publicity Associated with the SEP:** Whenever the Dischargers, or its agents, publicizes one or more SEP elements (specifically, the public restrooms and drinking fountain), it shall state in a prominent manner that the project is undertaken as part of a settlement of a Regional Water Board enforcement action against the Dischargers. This requirement does not apply to general public announcements about the larger Secline Beach Enhancement Project (of which the SEP is one part) and does not apply to general local construction updates and information designed to inform local residents about construction plans and related facility closures.

24. **SEP is Above and Beyond the Dischargers' Obligations:** The SEP included in this Stipulated Order contains only measures that go above and beyond the Dischargers' obligations. The SEP is not part of the Dischargers' normal business nor are the Dischargers otherwise legally required to implement any portion of the SEP.

25. **No Benefit to Regional Water Board Functions, Members, or Staff:** This SEP provides no direct fiscal benefit to the Regional Water Board's functions, its members, its staff, or any family member of staff.

26. **Regional Water Board Not Liable:** The Regional Water Board and its members, staff, attorneys, and representatives shall not be liable for any injury or damage to persons or property resulting from negligent or intentional acts or omissions by the Dischargers or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.

27. **Third Party Audit:** If the Regional Water Board obtains information reasonably indicating that the Dischargers have not expended money in the amounts claimed, or that work on the SEP has not been adequately completed, the Regional Water Board or its delegee may require, and the Dischargers must submit, at their sole cost, a report prepared by an independent third party(ies) acceptable to the Regional Water Board or its delegee, stating that in its professional opinion, the Dischargers have or have not expended money in the

amounts claimed. In the event of such an audit, the Dischargers agree that the third-party auditor will be provided with access to relevant and non-privileged documents that the auditor requests. Such information must be provided to the Regional Water Board within three months of the date on which the Regional Water Board or its delegee requires the audit.

28. **Failure to Expend the SEP Amount on the Approved SEP:** If the Dischargers are not able to demonstrate to the reasonable satisfaction of the Executive Officer or delegee that the entire SEP Amount was spent on the completed SEP, the Dischargers shall pay the difference between the SEP Amount and the amount the Dischargers can demonstrate was actually spent on the SEP (the Difference). The Executive Officer shall issue a "Notice of Violation" that will require the Dischargers to pay the Difference to the State Water Pollution Cleanup and Abatement Account within 30 days of the Notice of Violation's issuance date. Payment of the Difference shall satisfy the Dischargers' obligations to implement the SEP.

29. **Request for Extension of Completion Date:** If the Dischargers anticipate delay in the schedule for any milestone or deadline resulting in the need to extend the SEP Completion Date, the Dischargers shall notify the Executive Officer in writing at least thirty (30) days prior to the deadline or completion date of the event or circumstance that caused delay. The notice shall describe the reason for the inability to complete the milestone deadline or by the SEP Completion Date and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay including whether the circumstance(s) was beyond the reasonable control of the Dischargers, the measures taken or to be taken to minimize the delay and provide an updated milestone schedule by which the measures will be implemented. The Dischargers are expected to adopt all reasonable measures to avoid and minimize such delays. The determination as to whether the circumstances were beyond the reasonable control of the Dischargers will be made by the Executive Officer. Where the Executive Officer concurs that compliance was or is impossible, despite timely good faith efforts, due to circumstances beyond the control of the Dischargers that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence, a new compliance deadline shall be established. The Executive Officer will endeavor to grant a reasonable extension of time if warranted.

30. **Failure to Complete the SEP:** If the SEP is not fully implemented by the SEP Completion Dates listed in Attachment B or if there has been a material failure to satisfy a project milestone, the Executive Officer shall issue a "Notice of Failure to Complete SEP". The amount of suspended liability owed shall be determined via a Motion for Payment of Suspended Liability before the Regional Water Board or its delegee. The Dischargers shall be liable to pay the entire SEP Amount, or, if shown by the Dischargers, some portion thereof less the value of any completed milestones as stipulated to by the Parties in writing, or as

determined by the Motion for Payment of Suspended Liability. Within 30 days of the Regional Water Board's or its delegee's determination of the suspended liability amount assessed for the Dischargers to pay, the Dischargers shall submit payment consistent with the payment method described in paragraph 11.a. Payment of the assessed amount shall satisfy the Dischargers' obligations to implement the SEP.

31. **Regional Water Board Acceptance of Completed SEP:** Upon the Dischargers' satisfaction of its obligations under this Stipulated Order, the completion of the SEP and any audits, the designated Regional Water Board or its delegee shall issue a "Satisfaction of Order." The issuance of the Satisfaction of Order will terminate any further obligation of the Dischargers under this Stipulated Order and permanently suspend the SEP Amount.

32. **Compliance with Applicable Laws and Regulatory Changes:** The Dischargers understand that payment of an administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that additional violations of the type alleged may subject it to further enforcement, including additional administrative civil liabilities. Nothing in this Stipulated Order shall excuse the Dischargers from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

33. **Party Contacts for Communications Related to Stipulated Order:**

For the Regional Water Board:
Kristin Tokheim
Water Resource Control Engineer
2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150
RB6-Lahontan@waterboards.ca.gov

For NTPUD:
Bradley A. Johnson, P.E.
General Manager/CEO
875 National Avenue
PO Box 139
Tahoe Vista, CA 96148
bjohnson@ntpud.org

With Copy To:
Shawn Hagerty
Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
shawn.hagerty@bbklaw.com

For Caltrans:
Rakesh Chander
Resident Engineer
North Region Construction Field Office,
3855 North Freeway Blvd, Suite 120,
Sacramento, CA 95827

34. **Attorneys' Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

35. **Public Notice:** The Dischargers understand that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Regional Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Regional Water Board, or its delegee, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Regional Water Board, or its delegee. The Dischargers agree that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

36. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.

37. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Regional Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Regional Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Regional Water Board reserves all rights to take additional enforcement actions, including, without limitation, the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Order.

38. **No Admission of Liability/No Waiver of Defenses:** In settling this matter, the Dischargers do not admit any of the allegations stated herein nor admit to any violations of the Water Code, or any other federal, state, or local law or ordinance. By entering into this Stipulated Order, the Discharges do not waive any defenses or arguments related to any future enforcement action brought by

the Lahontan Water Board or third-parties. Notwithstanding this paragraph, this enforcement matter may be considered in the application of the "history of violations" factor in any future enforcement against parties to this Order.

39. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Regional Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.

40. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.

41. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing and approved by the Regional Water Board or its delegee.

42. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.

43. **If Order Does Not Take Effect:** The Dischargers' obligations under this Stipulated Order are contingent upon the entry of the Order of the Regional Water Board as proposed. In the event that this Stipulated Order does not take effect because it is not approved by the Regional Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess an administrative civil liability for the underlying alleged violations, or may continue to pursue settlement. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:

    a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections to the extent that they are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties settlement positions, and therefore may have formed

impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or

b. Laches or delay or other equitable defenses solely related to the time period between public notice of this Order and any subsequent contested evidentiary hearing in this matter.

44. **Waiver of Hearing:** The Dischargers have been informed of the rights provided by Water Code section 13323, subdivision (b), and, if the settlement is adopted by the Regional Water Board, hereby waives its right to a hearing before the Regional Water Board prior to the Stipulated Order's adoption. However, should the settlement not be adopted, and should the matter proceed to the Regional Water Board or State Water Board for hearing, the Dischargers do not waive the right to a hearing before an order is imposed.

45. **Waiver of Right to Petition:** Except in the instance where the settlement is not adopted by the Regional Water Board, the Dischargers hereby waive the right to petition the Regional Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives the right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

46. **Covenant Not to Sue:** The Dischargers covenant not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by this Stipulation and Order.

47. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that they are authorized to execute this Order on behalf of and to bind the entity on whose behalf the Order is executed.

48. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Stipulated Order shall be communicated to the Dischargers in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Regional Water Board regarding submissions or notices shall be construed to relieve the Dischargers of their obligation to obtain any final written approval required by this Stipulated Order.

49. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.

50. **Severability:** This Stipulated Order is severable; should any provision be found invalid, the remainder shall remain in full force and effect.

51. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Regional Water Board, or its delegee, enters the Order incorporating the terms of this Stipulated Order.

52. **Counterpart Signatures:** This Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

IT IS SO STIPULATED.

California Regional Water Quality Control Board, Lahontan Region Prosecution Team

By: _____ 06/05/2025

Ben Letton
Executive Officer

Date

North Tahoe Public Utility District

By: _____ June 11, 2025
Date

Print Name: Bradley A. Johnson, P.E.

Title: General Manager/CEO

California Department of Transportation

By: See page 15 _____
Date

Print Name: _____

Title: _____

North Tahoe Public Utility District

By: See page 14 _____ Date

Print Name: _____

Title: _____

California Department of Transportation

By: Greg Berry 07/07/2025 Date

Print Name: Greg Berry

Title: North Region Construction Chief, District 3

HAVING CONSIDERED THE PARTIES STIPULATIONS, THE LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD FINDS THAT:

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.

2. This is an action to enforce the laws and regulations administered by the Regional Water Board. The Regional Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.

3. The Executive Officer of the Regional Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Dischargers fail to perform any of its obligations under this Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60**, IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Lahontan Region.

_____ _____

Jan Zimmerman Date
Lahontan Regional Water Quality Control Board

Attachment A: Penalty Calculation Methodology
Attachment B: Secline Beach SEP
Attachment C: OE Director SEP Resolution

ATTACHMENT A
PENALTY CALCULATION METHODOLOGY
ORDER NO. R6-2025-0020

This document provides details to support a discretionary administrative civil liability in response to the violation of California Water Code (Water Code) section 13376 and Clean Water Act section 301, by the California Department of Transportation (Caltrans) and the North Lake Tahoe Public Utility District (NTPUD). Hereafter, each entity will be referred to individually by name or jointly as "Dischargers."

The Lahontan Regional Water Quality Control Board (Lahontan Water Board) Prosecution Team has derived the proposed administrative civil liability following the State Water Resources Control Board's (State Water Board's) *2017 Water Quality Enforcement Policy*[1] (Enforcement Policy).

Application of the Enforcement Policy

The Enforcement Policy establishes a methodology for assessing administrative civil liability considering specific factors required by Water Code sections 13327 and 13385, subdivision (e), including "…the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require." This document applies the methodology associated with the Enforcement Policy's steps, as discussed in detail in the sections to follow.

Summary of Alleged Violation

This administrative civil liability addresses an alleged violation of the discharge of an estimated 85,000 gallons of untreated wastewater (raw sewage) to Lake Tahoe, a water of the United States. The alleged violation occurred on July 18-19, 2024, when a second-tier subcontractor on a Caltrans pedestrian crossing project was working within the Caltrans right-of-way and punctured a 24-inch diameter sewer force main owned and operated by NTPUD.

This document presents the penalty calculation methodology used to assess the administrative civil liability for the alleged violation. Following this section is a discussion of legal considerations (applicable permits and regulations) and a summary of the alleged violation and liability calculations based on Enforcement Policy factors (see Table 1). The remainder of this document contains a full description of the violation, a

[1] Enforcement Policy: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf

complete assessment of the factors used to determine the base liability for the violation, and a discussion of the additional factors used to determine the final proposed liability.

Legal Considerations

Both Caltrans and NTPUD are enrolled under permits issued by the State Water Board. Neither permit authorizes the discharge of raw sewage to surface waters.

Caltrans' Permit:
Caltrans is subject to the requirements of the *NPDES Statewide Stormwater Permit and Waste Discharge Requirements*, Order No. 2022-0033-DWQ, NPDES No. CAS000003 (Statewide Permit). The Statewide Permit covers discharges of stormwater and conditionally exempt non-stormwater from Caltrans municipal separate storm sewer systems. The Statewide Permit prohibits the discharge of waste, including sewage, to waters of the United States (section 3.7).

NTPUD Permit:
NTPUD is an enrollee of the *Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems*, Order WQ 2022-0103-DWQ (Statewide Sanitary Sewer Systems General Order). The Sanitary Sewer Systems General Order regulates systems that convey sewage and addresses sanitary sewer spills with monitoring and reporting requirements. The Sanitary Sewer Systems General Order prohibits the discharge of sewage to waters of the State (section 4.2).

Both Caltrans and NTPUD violated their respective Permits by discharging waste in a manner not authorized to Lake Tahoe, a water of the State and of the United States. The discharge of raw sewage to waters of the United States without a permit is also a violation of Water Code section 13376 and Clean Water Act section 301. A discharger who violates Water Code section 13376 or Clean Water Act section 301 is subject to administrative civil liability under Water Code section 13385, subdivision (a). Liability is assessed pursuant to Water Code section 13385, subdivision (c), which states, in part:

> *Civil liability may be imposed administratively by the state board or a regional board … in an amount not to exceed the sum of both of the following:*
>
> *(1) Ten thousand dollars ($10,000) for each day in which the violation occurs.*
>
> *(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.*

Table 1: Summary of Violation and Liability Calculations	
Summary of Violation:	Violation 1: Discharge of 85,000 gallons of raw sewage to Lake Tahoe
Potential for Harm Factors:	Toxicity = above moderate (3) Harm = major (5) Susceptibility to Cleanup or Abatement = 1 Potential for Harm Score = 9
Discharge Assessment Factors:	Deviation from Requirement = major Per gallon and per day factor = 0.8
Gallons (less 1,000) and Days of Discharge:	84,000 gallons discharged during one day.
Culpability Factor:	1.4
History of Violations Factor:	1.0
Cleanup and Cooperation Factor:	1.0
Total Base Liability Amount:	$952,000
Ability to Pay and Ability to Continue in Business:	Caltrans is a state agency and has the ability to pay and continue in business. NTPUD is a public entity with the ability to pay and continue in business.
Economic Benefit:	$477.88
Other Factors as Justice May Require:	The Prosecution Team has elected not to add staff costs at this time, as the Total Base Liability exceeds the Maximum Liability.
Maximum Liability Amount:	$850,000
Minimum Liability Amount:	$525.67 (economic benefit + 10%)
Final Liability Amount:	$850,000

Violation 1: Discharge of Raw Sewage to Lake Tahoe

On July 18, 2024, a second-tier subcontractor was working on a Caltrans pedestrian crossing project (Caltrans Contract No. 03A3443, Construction on State Highway in Placer County on Route 28 Between Center Street and Carnelian Bay Avenue) within the Caltrans right-of-way on Hwy 28/North Lake Blvd and punctured a 24-inch diameter sewer force main. The sewer force main is owned and operated by NTPUD and is the main pipeline in the collection system for transporting raw sewage out of the Lake Tahoe area. The contractors involved in the Caltrans pedestrian crossing project included:

1. B & M Builders, Inc.: Prime Contractor
2. St. Francis Electric, LLC (SFE): First-Tier Subcontractor
3. On Target Precision Locating (OTPL): First-Tier Subcontractor
4. Pacific Coast Drilling Company, Inc. (PCDC): Second-Tier Subcontractor (excavator)

The spill start date/time was July 18, 2024, at 8:00 PM, and the spill end date/time was July 19, 2024, at 3:00 AM, following completion of repairs to the sewer force main (according to NTPUD's Certified Spill Report and Spill Technical Report submitted on August 2, 2024, and September 3, 2024, respectively; attached). An estimated total of 122,800 gallons[2] of raw sewage spilled between two locations: Spill Site #1 was at the force main strike along Hwy 28/North Lake Blvd and Spill Site #2 was near NTPUD's upstream lift station on Onyx St. Spill Site #1 is the subject of the alleged violation[3]. The total volume of raw sewage originating from the force main break at Spill Site #1 is estimated at 103,300 gallons, of which an estimated 18,300 gallons was contained and returned to the sanitary sewer system, while an estimated 85,000 gallons flowed through the parking lot and discharged to Lake Tahoe at Carnelian West Beach[4].

On July 19, 2024, Placer County Public Health issued a health advisory for approximately 1.5 miles of Lake Tahoe's shoreline extending northeast of Carnelian West Beach to 5500 North Lake Blvd (at Manzanita Ave) and southwest of Carnelian West Beach to 4600 North Lake Blvd. The health advisory alerted the public that bacteria levels may be high in the area and that contact with the water could cause illness.

Daily water quality samples were collected along the Lake Tahoe shoreline starting on July 19, 2024, and measured bacteria levels greater than the United States Environmental Protection Agency's recreational water quality criteria recommendation.

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[2] Total spill volume originally estimated at 125,000 gallons in NTPUD's Certified Spill Report and updated to 122,800 gallons in NTPUD's Spill Technical Report.
[3] The discharge at Spill Site #2 to land was promptly cleaned up and reported by NTPUD per the Statewide Sanitary Sewer System General Order.
[4] Original estimates for Spill Site #1 were 105,500 gallons total volume and 20,500 gallons contained and returned to the system per NTPUD's Certified Spill Report.

The health advisory was in place for a total of 13 days until bacteria levels subsided to normal levels along the full extent of the 1.5 miles of shoreline.

In addition to the health advisory, two public beaches were closed due to the elevated bacteria levels. Carnelian West Beach was closed for the full 13-day duration of the health advisory and Patton Landing Beach located east of the spill site was closed for a total of seven days from July 19, 2024, to July 25, 2024. The closures occurred during peak summer season. The health advisory was lifted on July 31, 2024.

Step 1. Actual or Potential for Harm for Discharge Violations

The first step for discharge violations is to determine the actual or potential harm to the water body's beneficial uses by using a three-factor scoring system. Because actual harm is not always quantifiable, potential harm may be used for this factor.

Factor 1: Degree of Toxicity of the Discharge: **3**
The degree of toxicity considers the physical, chemical, biological, and/or thermal characteristics of the discharge, and the risk of damage the discharge could cause to potential receptors. A score between 0 and 4 is assigned. The discharge of raw sewage to surface water poses an above moderate risk or a direct threat to potential receptors for the following reasons:

- Excess nutrients, such as nitrogen, phosphorus, and organic matter, are present in raw sewage and can cause nutrient over-enrichment in the receiving water. The over-enrichment can result in rapid growth of algae and nuisance plants as well as eutrophic conditions that can lead to oxygen depletion, negatively affecting plant and aquatic life.

- Raw sewage includes solids that may settle or stay in suspension in the receiving water, affecting aquatic wildlife through ingestion, impacting aesthetic uses throughout the water column, and preventing sunlight from penetrating the water column. Oil and grease may also be present in raw sewage and may float on the surface of a receiving water, causing aesthetic impacts.

- Raw sewage typically contains high levels of pathogens (e.g., viruses and bacteria). Pathogenic organisms are harmful to human health through direct contact, ingestion, or via foodborne pathways such as fish consumption.

- Raw sewage typically contains ammonia and other toxic pollutants; these pollutants can cause both chronic and acute toxicity to aquatic life.

Given the considerations presented for Factor 1, the discharge of raw sewage possesses "an above moderate risk or a direct threat to potential human receptors" and a score of 3 is warranted.

Factor 2: Actual Harm or Potential Harm to Beneficial Uses: **5**
This factor considers the actual harm or potential harm to beneficial uses that may

result from exposure to the pollutants or contaminants in the discharge. A score between 0 and 5 is assigned.

An estimated 85,000 gallons of raw sewage wastewater flowed into Lake Tahoe. Beneficial uses for the surface waters of Lake Tahoe are designated in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) and include municipal and domestic supply (MUN); agricultural supply (AGR); groundwater recharge (GWR); navigation (NAV); water contact recreation (REC-1); noncontact water recreation (REC-2); commercial and sportfishing (COMM); cold freshwater habitat (COLD); wildlife habitat (WILD); preservation of biological habitats of special significance (BIOL); migration of aquatic organisms (MIGR); and spawning, reproduction, and development (SPWN). Lake Tahoe is also designated as an Outstanding National Resource Water (ONRW) and is listed on the Clean Water Act section 303(d) list as impaired by input of nitrogen, phosphorus, and sediment.

The spill to surface water on July 18-19, 2024, consisted of raw sewage which typically contains high levels of pathogens and other pollutants that can present harm to humans with water contact recreation. Following the spill, public health advisories and beach closures were in effect for up to 13 days along the impacted shoreline to prevent water contact recreation.

In addition to water-contact recreation, pathogenic organisms harmful to human health have the potential to impact other beneficial uses such as municipal and domestic supply, agricultural supply, groundwater recharge, and sport fishing due to direct contact with or ingestion of impacted waters, or indirect contact via foodborne pathways such as fish consumption. Oil, grease, and floatable or suspended materials may harm non-contact water recreation due to aesthetic impacts.

Raw sewage contains solids and organic materials, biochemical oxygen demand, ammonia, excessive nutrients (nitrogen and phosphorus), and sediment, all of which are potentially harmful to habitat-related beneficial uses due to solids deposition, and oxygen depletion.

Given the potential for harm to beneficial uses, a score of 5 (major) is warranted, as evidenced by the elevated bacteria levels in Lake Tahoe, the subsequent public health advisories and beach closures, and the potential effects of wastewater on habitats. The Enforcement Policy states that a score of 5 is appropriate when there has been more than five days of restrictions on beneficial uses. In this case, there were 13 days of restrictions, which further justifies a score of 5.

Factor 3: Susceptibility to Cleanup or Abatement: **1**
A score of 0 is assigned if the discharger (or appropriate agency) cleans up 50% or more of the discharge within a reasonable time, while a score of 1 is assigned if less than 50% of the discharge is susceptible to clean up, or if 50% of the discharge is susceptible to cleanup or abatement, but the discharger failed to clean up 50% or more of the discharge within a reasonable time.

At Spill Site #1 (the force main strike), an estimated 103,300 gallons of raw sewage was spilled, of which 18,300 gallons was recovered (i.e., less than 18% of the spill was recovered). Because less than 50% of the spill was recovered a score of 1 is appropriate for this factor.

Final "Potential for Harm" Score: **9**
The scores for the three-factors are added, resulting in a Potential for Harm score of 9. This score is then used in Step 2.

Step 2. Assessment for Discharge Violations

This step addresses administrative civil liabilities for the spill based on both a per-gallon and a per-day basis.

1. Per Gallon Assessment
When there is a discharge, the Lahontan Water Board is to determine an initial liability amount on a per-gallon basis using the Potential for Harm score and the Extent of Deviation from Requirement.

a. Deviation from Requirement**: Major**
This factor reflects the extent of the alleged violation's deviation from the specific requirement at issue, and is expressed as either minor, moderate, or major. A factor of "major" is assigned when the requirement has been rendered ineffective (e.g., the requirement was rendered ineffective in its essential functions).

Section 301 of the Clean Water Act prohibits the discharge of any pollutant to waters of the United States, except as authorized by a NPDES permit. Water Code section 13376 similarly prohibits the discharge of pollutants except as authorized by waste discharge requirements. The Dischargers' unpermitted discharge of raw sewage to a water of the United States renders the requirements ineffective in their essential function of protecting water quality. Therefore, a "major" Deviation from Requirement is appropriate.

b. Per Gallon Factor: **0.8**
Using a Potential for Harm score of 9 and a major Deviation from Requirement, Table 1 of the Enforcement Policy prescribes a factor of 0.8 as the Per Gallon Factor for the discharge.

c. Gallons Discharged to Surface Water: **85,000 gallons**
NTPUD's Spill Technical Report states an estimated 85,000 gallons of raw sewage reached surface waters.

Water Code section 13385, subdivision (c)(2) states that the per-gallon maximum civil liability is 10 dollars per gallon multiplied by the number of gallons discharged but not cleaned up over 1,000 gallons. For this violation, the civil liability is based on 85,000 gallons minus 1,000 gallons, or 84,000 gallons.

Per Gallon Assessment for Violation 1:
0.8 per gallon factor x 84,000 gallons x $10 per gallon = $672,000

2. Per Day Assessment
When there is a discharge, the Lahontan Water Board is to also determine an initial liability amount on a per-day basis using the same Potential for Harm score and the extent of Deviation from Requirement as for the Per Gallon Assessment.

a. Deviation from Requirement: **Major**

b. Per Day Factor: **0.8**

c. Days of Violation: **1**
The spill event took place over a period of less than 24 hours (one day) from July 18, 2024, at approximately 8:00 PM to July 19, 2024, at approximately 3:00 AM.

Per Day Assessment for Violation 1:
0.8 per day factor x 1 day x $10,000 per day = $8,000

3. Initial Liability Amount
The Per Gallon Assessment and the Per Day Assessment are added together to become the initial liability amount for Violation 1.

Initial Liability Amount for Violation 1:
$672,000 + $8,000 = $680,000

Step 3. Per Day Assessment for Non-Discharge Violations

The alleged violation is a discharge violation. Therefore, Step 3 is not applicable.

Step 4. Adjustment Factors

The Enforcement Policy states that three additional factors must be considered for potential modification of the liability amount: (a) the discharger's degree of culpability, (b) the discharger's prior history of violations, and (c) the discharger's voluntary efforts to cleanup, or its cooperation with regulatory authorities after the violation.

1. Culpability: **1.4**
The Enforcement Policy states that higher liabilities should result from intentional or negligent violations as opposed to accidental violations. A multiplier between 0.75 and 1.5 is used, with a higher multiplier for intentional misconduct or gross negligence. A timeline of events is provided below, based on responses (attached) to a Notice of

Violation (NOV)[5] issued to Caltrans, B&M Builders, and SFE on August 9, 2024, and information provided by NTPUD in their Spill Technical Report in response to a request for supplemental information issued by Lahontan Water Board on August 22, 2024.

- June 21, 2024: OTPL, a first-tier subcontractor to B&M Builders, performed utility locates in the proposed work area using ground penetrating radar (GPR) and electro magnetics. The existing 24-inch sewer force main in the eastbound shoulder of Hwy 28/North Lake Blvd was not identified by OTPL during the field locates.

- July 9, 2024: SFE submitted a ticket to Underground Service Alert (USA) North (Ticket No. 2024070900927) for a 400-ft distance along Hwy 28/North Lake Blvd encompassing both sides of the road (including an additional 20-feet along the north edge of the road and 30-feet along the south edge of the road).
    - The excavation method was noted on the ticket as vertical drilling greater than 84 inches in depth.
    - The delineation method was noted on the ticket as white paint and flags.

- July 9, 2024: NTPUD responded to the USA ticket on the same day of receiving the request and used an industry standard method to attempt to mark the sewer force main in green paint at periodic intervals along the eastbound shoulder. The area was marked with a single paint line representing what should have been the approximate centerline of the force main with the text 24" SFM. NTPUD reportedly used an inductive method for buried metallic pipelines without a tracer wire.
    - NTPUD marked the sewer utilities prior to Southwest Gas marking a gas pipeline along an overlapping alignment.
    - The Electronic Positive Response (EPR) Code used by NTPUD for the USA ticket was "010 – Locate Area Marked." NTPUD did not use the EPR code of "033 – High Priority Line Area – On Site Meeting Required".
    - NTPUD has as-builts on file for the 24-inch sewer force main (dated February 1968).

- July 11, 2024: Caltrans, B&M Builders, and SFE met in the field to identify the location for the proposed pole foundations for flashing beacons based on utility markings for the USA North Ticket.
    - Based on NOV responses and NTPUD's Spill Technical Report, neither the excavating subcontractor (PCDC) nor NTPUD were present at the field meeting.
    - According to the NOV responses from B&M Builders and SFE, all marked utilities within the tolerance zone[6] of the proposed excavation were

[5] NOV responses include letters dated August 28, 2024 (from Caltrans), August 20, 2024 (from B&M Builders), and August 22, 2024 (from SFE).
[6] See definition on next page for tolerance zone per the California Government Code.

potholed[7]. The 24-inch sewer force main at the point of penetration was not potholed because that portion of the pipe was not marked within the tolerance zone.

- July 14, 2024: SFE mobilized to the site and initiated field operations on July 15 with installation of conduit and pull boxes along the eastbound shoulder of Hwy 28.

- July 18, 2024: PCDC began excavation work with a 30-inch auger and at approximately 8:00 PM struck the 24-inch sewer force main.
    - According to the NOV responses from B&M Builders and SFE, the onsite representative for the project immediately notified 811, Caltrans staff, NTPUD, as well as management at SFE and B&M Builders after the force main strike.
    - According to NTPUD's Spill Technical Report, NTPUD staff arrived onsite at 8:23 PM following notification of the spill from a community member and immediately began directing activities and initiating emergency operations to mitigate the spill and repair the sewer force main.

- July 19, 2024: The spill ended at approximately 3:00 AM following repairs to the sewer force main and collection system was back in operation before 5:00 AM.
    - NTPUD's cleanup work began July 19 with assistance from other local utility districts. The public parking lot at the spill site was cleared of debris, pressure washed, and disinfected by the end of the day. Restoration of landscape and beach areas was completed over the days that followed.

Excavation law in California is contained in California Government Code section 4216 and includes requirements for utility markings and notifications prior to excavation work being performed. Relevant sections of the California Government Code are summarized for reference.

Section 4216 (j) of the California Government Code defines a high priority subsurface installation as follows [emphasis added]:

> *"High priority subsurface installation" means high-pressure natural gas pipelines with normal operating pressures greater than 415kPA gauge (60psig), petroleum pipelines,* ***pressurized sewage pipelines****, high-voltage electric supply lines, conductors, or cables that have a potential to ground of greater than or equal to 60kv, or hazardous materials pipelines that are potentially hazardous to workers or the public if damaged.*

California Government Code section 4216 (u) defines a tolerance zone as follows:

[7] Digging test holes using hand tools or other non-intrusive and non-destructive approach to expose a subsurface utility and determine the horizontal and vertical location.

Tolerance zone means … (2) Twenty-four inches plus one-half the specified size on each side of a single marking with the size of installation specified.

California Government Code section 4216.2 (c) states the following regarding excavation law and high priority subsurface installations:

When the excavation is proposed within 10 feet of a high priority subsurface installation, the operator of the high priority subsurface installation shall notify the excavator of the existence of the high priority subsurface installation to set up an onsite meeting prior to the legal excavation start date and time or at a mutually agreed upon time to determine actions or activities required to verify the location and prevent damage to the high priority subsurface installation. As part of the meeting, the excavator shall discuss with the operator the method and tools that will be used during the excavation and the information the operator will provide to assist in verifying the location of the subsurface installation. The excavator shall not begin excavating until after the completion of the onsite meeting.

California Government Code section 4216.4 (a)(1) states the following regarding excavation within a tolerance zone:

[I]f an excavation is within the tolerance zone of a subsurface installation, the excavator shall determine the exact location of the subsurface installations in conflict with the excavation using hand tools before using any power-driven excavation or boring equipment within the tolerance zone of the subsurface installations. In all cases the excavator shall use reasonable care to prevent damaging subsurface installations.

Culpability considerations for each Discharger based on the timeline of events leading to the force main strike and excavation law are as follows:

a. Caltrans' Culpability:

- The field meeting on July 11, 2024, to locate boring locations based on utility markings did not include the operator (NTPUD) or the excavator (PCDC). California Government Code section 4216.2 (c) states that the operator should notify the excavator of the presence of a high priority subsurface utility and the requirement for an onsite meeting. However, the code also states that the excavator should not begin excavating until after completion of the onsite meeting. In this case, PCDC proceeded to excavate without the meeting. An onsite meeting may not have guaranteed protection of the sewer force main, but it would have demonstrated reasonable care by both parties and potentially led to discussions on the accuracy of the marked locations relative to the location shown on Caltrans' project plans and NTPUD's as-built plans, especially considering the overlapping alignment with gas line utility markings.

b. NTPUD's Culpability:

- Although NTPUD timely responded to the request to mark its facilities and although NTPUD employed industry standard methods to perform the marking, NTPUD's field markings provided an inaccurate representation of the actual location of the 24-inch sewer force main. The perimeter of the excavation at this specific location for the pole foundation was located outside the tolerance zone for the mismarked utility. Had the excavation limits been planned within the tolerance zone of the field marking for the 24-inch sewer force main (in this case, within 36-inches of the centerline marking per California Government Code 4216 (u)(2)), the excavator (Caltrans and/or its contractors) would have been required to determine the exact location of the utility by potholing prior to excavating and the force main strike may have been prevented.

- The 24-inch sewer force main is classified as a high priority subsurface installation per California Government Code section 4216 (j). Because the sewer force main was marked within the delineation area for the USA ticket (i.e., within 10-feet of an excavation), an onsite meeting should have taken place between the operator (NTPUD) and the excavator prior to the excavation start. NTPUD did not use an appropriate EPR Code to initiate this effort (e.g. "033: High Priority Line in Area – On Site Meeting Required") and did not follow up with Caltrans or its contractors to set up the meeting. NTPUD mistakenly relied upon the reference in the USA ticket indicating that the excavator would use vacuum excavation.

Although no intentional actions occurred, the Dischargers' combined actions fell short of the standard of care established in California Government Code section 4216. Additional protocol should have been followed due to the presence of a high priority subsurface installation within the delineation area that was ultimately less than 10-feet from the edge of the boring where the force main strike occurred. Although the lack of additional protocol may not have been intentional misconduct warranting the maximum multiplier of 1.5, both parties could have taken additional steps, such as an onsite meeting with the operator and the excavator, to ensure reasonable care in preventing damage to the 24-sewer force main. The fact that the force main conveyed raw sewage and is located less than 200-feet from Lake Tahoe, an Outstanding National Resource Water, should have warranted extraordinary care. Therefore, a multiplier of 1.4 is assigned for the combined culpability of the Dischargers for this violation.

2. History of Violation: **1.0**
When there is a history of repeat violations within the last five years, the Enforcement Policy requires a minimum multiplier of 1.1, with higher values as appropriate. Neither Caltrans nor NTPUD has a history of adjudicated violations related to sewage spills in the past five years. Therefore, a multiplier of 1.0 is appropriate.

3. Cleanup and Cooperation: **1.0**
This factor reflects the extent to which a discharger voluntarily cooperates in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is applied, with a higher multiplier when there is a lack of cleanup or cooperation.

a. Caltrans' Cleanup and Cooperation:
According to responses to the NOV, representatives from Caltrans, B&M Builders, and SFE were onsite when the excavator (PCDC) struck the 24-inch sewer force main that caused the sewage spill. Immediately after the force main strike, the onsite representative notified 811, Caltrans staff, and NTPUD, as well as management at SFE and B&M Builders. Responses to the NOV also indicate that each party provided and/or offered assistance with spill mitigation tasks as needed. Each of the parties named in the NOV provided a timely response to Lahontan Water Board.

b. NTPUD's Cleanup and Cooperation:
NTPUD's cleanup efforts began immediately on the evening of July 18, 2024, with assistance from regional utility districts, contractors, first responders and Placer County. NTPUD activated the Tahoe Truckee Area Agreement for Mutual Emergency Aid and coordinated the response and activities for the nine responding entities. Cleanup efforts included recovering and returning contained wastewater to the collection system, cleaning out storm drain inlets, washing down and disinfecting surfaces, removing impacted soil and debris, and restoring landscape and beach areas. To perform this work, NTPUD coordinated the activities of 9 vacuum excavation trucks, 2 septic pumping trucks, 2 loaders, 1 backhoe, 3 dump trucks, 4 light stands, service trucks and towable emergency pumps. A total of 65 personnel responded to the spill and participated in the clean-up efforts starting on the night of July 18 and continuing over the next 24 hours. NTPUD completed all sampling, monitoring, and reporting requirements in accordance with the Sanitary Sewer Systems General Order. NTPUD also posted daily updates to the public on its website and coordinated with local authorities on beach closures and health advisories including Lahontan Water Board, Placer County Public Health, and California Tahoe Conservancy. NTPUD also had staff go door to door in the impacted area to try to inform people of the issue and also had staff present on the impacted beaches to advise people of the event and the closures.

Overall, the Dischargers' cleanup and cooperation actions are considered reasonable and prudent responses to the discharge violation, and therefore warrant a Cleanup and Cooperation factor of 1.0.

Step 5. Total Base Liability Amount

The Total Base Liability Amount is determined by multiplying the following: the Initial Liability, the degree of culpability factor, the history of violations factor, and the cleanup and cooperation factor.

Total Base Liability Amount for Violation 1: $680,000 x 1.4 x 1.0 x 1.0 = $952,000

Step 6. Ability to Pay and Continue in Business

The Water Code and the Enforcement Policy require the Water Boards to consider a discharger's ability to pay and continue in business when imposing administrative civil liabilities.

a. Caltrans' Ability to Pay and Continue in Business

Caltrans is a department of the State of California with an approved budget of over $17.6 billion for the 2024-25 fiscal year (per the 2024-25 State Budget enacted on June 26, 2024)[8]. The Lahontan Water Board has no evidence that Caltrans would be unable to pay the proposed liability set forth or that the amount of the liability would cause undue financial hardship. Therefore, based on publicly available information, Caltrans has the ability to pay and continue in business.

b. NTPUD's Ability to Pay and Continue in Business

NTPUD is a public agency that maintains a sewer enterprise fund for sewer related services. NTPUD's financial statement for the fiscal year ending June 30, 2023 shows a net position of $2,427,171 in unrestricted sewer funds[9]. The Lahontan Water Board has no evidence that NTPUD would be unable to pay the proposed liability set forth or that the amount of the liability would cause undue financial hardship. Therefore, based on publicly available information, NTPUD has the ability to pay and continue in business.

Step 7. Economic Benefit

The Enforcement Policy states that the economic benefit of noncompliance should be calculated using the United States Environmental Protection Agency's (US EPA) Economic Benefit Model (BEN) liability and financial modeling program. For this case, the total economic benefit of non-compliance was calculated using BEN Version 2024.0.0. Using standard economic principals such as the time-value of money and tax deductibility of compliance costs, BEN calculates a discharger's economic benefit derived from delaying[10] or avoiding[11] compliance with environmental statutes. The avoided and delayed expenses associated with the alleged violation are outlined below.

a. Caltrans' Economic Benefit

Caltrans' economic benefit was the cost avoided to participate in a meeting with the utility operator (NTPUD) to discuss the high priority subsurface installation. The

[8] State of California 2024-25 State Budget, 2660 Department of Transportation: https://ebudget.ca.gov/budget/2024-25EN/ - /Department/2660
[9] NTPUD Annual Financial Report with Independent Auditor's Report, June 30, 2023 and 2022: https://ntpud.org/wp-content/uploads/2024/02/Financial-Statements-NTPUD-2023-Published.pdf
[10] Delayed costs include expenditures that should have been made sooner, such as manhole or pipe repairs that were made too late to avoid the violation.
[11] Avoided costs include expenditures for services that the permittee should have incurred to avoid the incident of noncompliance, such as additional staffing and preventative maintenance.

economic benefit including travel time for a 2-hour meeting is estimated at $259.28 (see attached economic benefit analysis for assumptions).

b. NTPUD's Economic Benefit
NTPUD's economic benefit was the cost avoided to participate in a meeting with the excavator (Caltrans and/or its contractors) to discuss the high priority subsurface installation. The economic benefit for a 2-hour meeting is estimated at $218.60 (see attached economic benefit analysis for assumptions).

For computational purposes and for purposes of settlement, the penalty payment date was established as January 1, 2025. Based on specific assumptions within the model, the total economic benefit of non-compliance was determined to be $477.88.

Step 8. Other Factors as Justice May Require

The Enforcement Policy allows for the costs of investigation and enforcement to be considered under other factors as justice may require. The Enforcement Policy states that it is appropriate to include the staff costs associated with the investigation, preparation, and enforcement of the violations. The Lahontan Water Board Prosecution Team has invested significant time in this enforcement action; however, because the calculated total base liability already exceeds the statutory maximum liability, the Prosecution Team has elected not to add staff costs to the liability.

Step 9. Maximum and Minimum Liability Amounts

Maximum Liability Amount: The maximum liability is found in Water Code section 13385 subdivision (c) and is $10,000 per day of violation plus $10 per gallon multiplied by the number of gallons discharged but not cleaned up over 1,000 gallons. The statutory maximum for Violation 1 is $850,000 based on one day of violation and a discharge of 85,000 gallons.

Minimum Liability Amount: Water Code section 13385, subdivision (e) requires that, at a minimum, the economic benefit derived from the violations be recovered. The statutory minimum liability amount is equal to the economic benefit of $477.88. The Enforcement Policy requires the Lahontan Water Board to recover 10% greater than the economic benefit. Therefore, the minimum under the Enforcement Policy is $525.67.

Step 10. Final Liability Amount

The Final Liability Amount consists of the added amounts for the violation, with any allowed adjustments, provided the amount is within minimum and maximum liability amounts. The Final Liability Amount is the statutory maximum because the Total Base Liability exceeds the statutory maximum liability.

Final Liability Amount: $850,000

Attachments to Penalty Calculation Methodology

1. NTPUD's Certified Spill Report (submitted August 2, 2024)[12].
2. NTPUD's Spill Technical Report (submitted September 3, 2024)[12].
3. Caltrans' NOV Response (dated August 28, 2024)[13].
4. B&M Builders' NOV Response (dated August 20, 2024)[13].
5. SFE's NOV Response (dated August 22, 2024)[13].
6. Economic Benefit Analysis.

[12] Attachments to NTPUD's Certified Spill Report and Spill Technical Report are available on the California Integrated Water Quality System (CIWQS) at: https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportId=sso_detail_report&reportAction=generate&sso_spill_id=895774&order=2022-0103-DWQ

[13] Attachments to NOV responses are available on CIWQS under Enforcement Actions: https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?inCommand=drilldown&reportName=facilityAtAGlance&placeID=896892&reportID=4960471

ATTACHMENT 1 TO PENALTY CALCULATION METHODOLOGY:

NTPUD'S CERTIFIED SPILL REPORT
(SUBMITTED AUGUST 2, 2024)

Certified Spill Report for Category 1 Spills

Spill Event ID:	895774	**Spill Location Name:**	Carnelian Bay Sewer Spill Incident
Sanitary Sewer System:		**Agency:**	
Spill Report Type:	Category 1 Spill	**Spill Report Status:**	Certified
Initial Draft Submitted On:	07/23/2024	**Certified On:**	08/02/2024
Spill Report Version Number:	1.3		

File Name	File Description	Uploaded Date	Status
895774_Version_1.3.pdf	Certified spill pdf : 895774_Version_1.3.pdf	2024-08-02	OK
Water Quality Test Sites.pdf	Water Sample Test Site Map #2	2024-08-02	OK
Water Test Site Map.pdf	Water sampling map #1	2024-08-02	OK
Surface Water Discharge Point 04.JPG	Surface Water Discharge Point 04	2024-07-23	OK
Surface Water Discharge Point 03.JPG	Surface Water Discharge Point 03	2024-07-23	OK
Surface Water Discharge Point 02.JPG	Surface Water Discharge Point 02	2024-07-23	OK
Surface Water Discharge Point 01.JPG	Surface Water Discharge Point 01	2024-07-23	OK
5074 NLB Conveyance 06.JPG	5074 NLB Conveyance 06	2024-07-23	OK
5074 NLB Conveyance 05.JPG	5074 NLB Conveyance 05	2024-07-23	OK
5074 NLB Conveyance 04.JPG	5074 NLB Conveyance 04	2024-07-23	OK
5074 NLB Conveyance 03.JPG	5074 NLB Conveyance 03	2024-07-23	OK
5074 NLB Conveyance 02.JPG	5074 NLB Conveyance 02	2024-07-23	OK
5074 NLB Conveyance 01.JPG	5074 NLB Conveyance 1	2024-07-23	OK
CarnelianBay_SewerSpillMap.pdf	Sewer Spill Appearance Points and Areas	2024-07-23	OK

Spill Report General Information	
1. Name of Enrollee contact person to respond to spill-specific questions:	Jesse Lochridge
1.a. Telephone number of Enrollee contact person to respond to spill-specific questions:	(530) 392-0241
2. Spill Location Name:	Carnelian Bay Sewer Spill Incident
3. Date and time the Enrollee was notified of, or self-discovered, the spill:	07/18/2024 20:23
4. Operator arrival time:	07/18/2024 20:35
5. Estimated spill start date and time:	07/18/2024 20:00
6. Date and time the Enrollee notified the California Office of Emergency Services:	07/18/2024 20:11
6.a. Assigned control number:	24-4120
7. Description, photographs, and GPS coordinates of the system location where the spill originated: If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field:	Between 5000 and 5074 North Lake Blvd. Carnelian Bay Ca. 96140 In the Caltrans right of way in the eastbound bike lane roughly 3' from the fog line. Roughly 100' east of the first driveway to 5000 North Lake Blvd.
7.a. Lattitude:	39.22541
7.b. Longitude:	-120.08363
7.c. Appearance points:	Manhole, Force Main
7.d. If other, describe:	
7.e. Additional spill appearance point(s) explanation:	2nd spill point is at manhole at the intersection of Onyx and Turquoise Carnelian Bay, Ca. 96140.
8. Estimated total spill volume exiting the system:	125000
9. Description and photographs of the extent of the spill and spill boundaries:	Attached photos show the spill areas. The 1st spill includes the parking lot, storm water basin and beach area at 5000 North Lake Blvd. 2nd location includes the storm water basin at the corner of Onyx and Turquoise Ave. both in Carnelian Bay Ca. 96140
10. Did the spill reach a drainage conveyance system?:	Y
10.a. Description of the drainage conveyance system transporting the spill and photographs of the drainage conveyance system entry location(s):	Parking lot area of 5074 North Lake Blvd.
10.b. Estimated spill volume fully recovered from the drainage conveyance system:	40000
10.c. Estimated spill volume remaining within the drainage conveyance system:	0
11. Description and photographs of all discharge point(s) into the surface water:	The spill discharge went into the surface water lakeward of the bathrooms at 5074 North Lake Blvd, entered the surface water over a roughly 200' distance along the shore line.
12. Estimated spill volume that discharged to surface waters:	85000

13. Estimated total spill volume recovered:	40000

Certification Questionnaire	
1. Spill Destination(s):	Paved Surface, Building or Structure, Unpaved Surface, Drainage Conveyance System, Street/Curb and Gutter (2 3), Surface Water, Groundwater Infiltration Basin or Facility
1.a. If other, describe:	
1.b. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill:	Location 1.d. & 1.e. between 5000 & 5074 North Lake Blvd. Carnelian Bay Ca. wastewater began flowing out of the ruptured pipe easterly down the gutter and across the parking lot at 5074 North Lake Blvd. The spill continued through the parking into the restrooms in the southeast corner. The flow continued around the restrooms across the paver walkways, over the lawn area, down the beach and shoreline reaching the surface water of Lake Tahoe. The spill that flowed down the gutter easterly along North Lake Blvd roughly 200 feet and enter several DI's that drained into the retention pond area to the east of 5074 North lake Blvd. The second part of the spill is located at 1.f. & 1.g. this is the retention pond across from our Carnelian Main Sewer Pump Station at corner of Onyx and Turquoise. We were using vacuum trucks to pull sewer from the manhole in the street to export it around the spill. Sewer was discharged into the pond.
1.c. Coordinates available?	Y
1.d. Lattitude:	39.22552
1.e. Longitude:	-120.08241
1.f. Lattitude:	39.22771
1.g. Longitude:	-120.07958
1.h. Lattitude:	
1.i. Longitude:	
1.j. Lattitude:	
1.k. Longitude:	
2. Spill end date and time:	07/19/2024 03:00
3. Description of how the spill volume estimations were calculated, including at a minimum: The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information, used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered):	The spill volume estimation methods included: The volume of the forcemain that drained back to and was released at the third party damage site on the forcemain. SCADA records of pump station run times, wet well elevations and metered flows to estimate volume of spill that discharged to the second appearance point. SCADA records of pump station run times, wet well elevations and metered flows to estimate the volume of spill that was recorded and returned to the sanitary sewer system.
3.a. Description of the methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time:	The estimation of the spill start time and the spill end time were estimated using hand written logs of personnel on site and SCADA records of pump station run time, wet well elevations and metered flows.
4. Spill cause(s):	Damage by Others Not Related to Collection System Construction/Maintenance
4.a. If other, describe:	Contractor working in roadway drilled through the crown of the 24-inch sewer forcemain while installing roadway improvements. These roadway improvements are not associate with the collection system
5. System failure location:	Force Main
5.a. If other, describe:	
6. Description of the pipe material, at the failure location:	Other (specify below)
6.a. If other, describe:	24-inch welded steel pipeline with cement mortar linings and asphaltic coatings.
6b. Estimated age of pipe material, at the failure location:	56

7. Description of the impact of the spill:	At approximately 8 PM on 7/18/24 (see 1.d. and 1.e. locations) a contractor using a 24" auger drilled into the North Tahoe PUD wastewater 24" force main putting a 10" diameter hole in the top of the pipe. Immediately wastewater began flowing out of the pipe easterly down the gutter and across the parking lot at 5074 North Lake Blvd. The spill continued through the parking into the restrooms in the southeast corner. The flow continued around the restrooms across the paver walkways, over the lawn area, down the beach and shoreline reaching the surface water of Lake Tahoe. The spill that flowed down the gutter easterly along North Lake Blvd entered several DI's roughly 200 feet that drained to the retention pond area to the east of 5074 North lake Blvd. The second part of the spill is located at 1.f. & 1.g. this is the retention pond across from our Carnelian Main Sewer Pump Station at corner of Onyx and Turquoise. We were using the manhole in the street to pull sewer from to export it.
8. Was the spill associated with a storm event?	N
9. Spill response activities:	Restored Flow, Returned Portion of Spill to Sanitary Sewer System, Contained All or Portion of Spill, Cleaned Up (specify below)
9.a. If other, describe:	
9.b. Description of spill response activities including description of immediate spill containment and cleanup efforts:	A call came into our afterhours call center at 20:23. First North Tahoe PUD employee was on site at 20:35. Multiple district employees were called in to help immediately. We started holding sewer back at 21:00 at multiple pump stations. Calls went out to surrounding districts for vacuum trucks. The force main valve upstream was closed at roughly 21:15 to help reduce back flow from the force main. The ruptured pipe area was cleared and access to the pipe was done with vacuum excavation. The repair was completed at 03:35 by installing a full circle clamp. The system was back to normal operation before 05:00. Clean up began immediately. The gutters, DI's, pavers and parking lot areas were washed down and disinfected with bleach. All liquid was sucked up with vacuum trucks and dumped into the sewer system. Lawn area was removed. The beach, shoreline and retention ponds were raked up and disinfected. Debris were removed and was hauled to proper landfill.
10. Spill corrective action:	Other (specify below)
10.a. If other, describe:	The pipeline was damaged by a private contractor performing work in the right-of-way of North Lake Blvd. The contractor was not working for the NTPUD. The pipeline damage was not a result of existing defects or FOG.
10.b. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps:	Not applicable. The pipeline was damaged by a private contractor performing work in the right-of-way of North Lake Blvd.
10.c. Schedule of major milestones:	Not applicable. The pipeline was damaged by a private contractor performing work in the right-of-way of North Lake Blvd.
11. Spill response completion date:	07/26/2024
12. Detailed narrative of investigation and investigation findings of cause of spill:	The pipeline was damaged by a private contractor performing work in the right-of-way of North Lake Blvd.
13. Is the Enrollee conducting an ongoing investigation?	Y
13.a. Reasons for an ongoing investigation:	The incident is being investigated to determine the events leading up to the pipeline being damaged including the responsible party and the value of the damage.
13.b. Expected date of completion of investigation:	12/30/2024 17:00
14. Name of receiving water body(s):	Lake Tahoe
14.a. Type of receiving water body(s):	Lake
14.b. If other, describe:	
15. Description of the water body(s):	Lake Tahoe. Adjacent to Carnelian Bay, CA.
15.a. Observed impacts on aquatic life:	None.
15.b. Public access impact:	Public Closure
15.c. If other, describe:	
15.d. Responsible entity for closing/restricting use of water body:	Placer County
15.e. Number of days closed/restricted as a result of the spill:	13
16. Was the spill located within 1,000 feet of a municipal surface water intake?	N
17. Were water quality samples collected?	Y
17.a. Identify sample locations:	Sample location maps attached.

17.b. Identify parameters the water quality samples were analyzed for:	Samples were collected for total coliform, fecal coliform, E. Coli and ammonia.

Certification

I certify under penalty of perjury under the laws of the State of California that the electronically submitted information was prepared under my direction or supervision. Based on my inquiry of the person(s) directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete, and complies with the Statewide Sanitary Sewer Systems General Order. I am aware that there are significant penalties for submitting false information.

Certifier Name:	Ken Fischer	**Certifier Title:**	Utility Operations Manager
Certifier Initials:	KPF	**Certification Date:**	08/02/2024

ATTACHMENT 2 TO PENALTY CALCULATION METHODOLOGY:

NTPUD'S SPILL TECHNICAL REPORT (SUBMITTED SEPTEMBER 3, 2024)

North Tahoe Public Utility District
Spill Technical Report for Individual Category 1 Spill In Which 50,000 gallons or Greater Discharged Into a Surface Water

Carnelian Bay 24-inch Diameter Forcemain Strike and Sewer Spill
July 18, 2024

CalOES Control # 24-4120
CIWQS Spill Id #895774
Category 1 Spill
WDID #6SSO11110

Prepared by:
North Tahoe Public Utility District
Joseph J. Pomroy, P.E.
Engineering and Operations Manager

875 National Ave
PO Box 139
Tahoe Vista, CA 96148

P: 530-546-4212

Contents

I. Summary

At approximately 8:00 p.m. on July 18, 2024, a sewer spill occurred at 5000 North Lake Boulevard in Carnelian Bay, California. The sewer spill was caused when a CalTrans contractor working in the North Lake Boulevard right-of-way performing excavation activities punctured a hole in the North Tahoe Public Utility District's (District) 24-inch diameter steel forcemain that transports raw sewage out of the Lake Tahoe Basin.

The District responded immediately to the reported spill and requested assistance from five adjacent utility districts, Placer County, Q&D Construction and Alpine Septic to work on containing the spill to prevent further discharge to a water body, recovering spilled wastewater and returning it to the sewer system and performing excavation at the break site so the forcemain could be quickly repaired. There was also a significant presence of emergency responders securing the site, directing traffic and working to control the wastewater spill to reduce its impacts.

District staff assessed the situation of the damaged 24-inch forcemain and determined that the pipe could be repaired in approximately 6 to 8-hours and placed back into service. The pipe had about an 8-inch hole in the crown that could be repaired with a stainless steel full circle repair clamp. The pipe had been drilled through the crown of the pipe with a 36-inch diameter auger by the CalTrans contractor. Fortunately, the 36-inch diameter auger was not driven completely through the pipe and had not completely compromised that entire pipe section. The District immediately dedicated resources to transporting wastewater by truck around the damaged pipeline and assigned personnel to begin the pipe repair process. Staff also evaluated whether to deploy a bypass system but determined that employing a bypass system was not prudent under the circumstances. The bypass would have diverted the limited available resources from the repair effort, thus greatly prolonging the time in which the pipe remained broken and pushing the situation into the morning hours when much higher wastewater volumes would need to be managed. In addition, due to the approximate 8-hour time frame to set up the bypass system and the negative impacts of the surface bypass hose on crew and equipment access to the pipe repair, District staff concluded that the most prudent course of action was to immediately repair the forcemain while simultaneously transporting wastewater around the break site to prevent an additional spill to surface water.

The total sewage spill volume was estimated at 122,800 gallons for the whole spill event. The entire spill event can be separated into three different components with different associated containment and recovery actions taken.

First, when the 24-inch forcemain was struck by the contractor's excavator at 8:00 pm, a total of 97,000 gallons of wastewater drained out of the pipeline by 9:15 pm. The

wastewater flowed across the parking lot and along the roadway gutter at this location. It is estimated that 85,000 gallons reached Lake Tahoe at 5074 North Lake Boulevard after it crossed the parking lot and the shore zone. It is estimated that 12,000 gallons of wastewater was contained in the roadside drain inlets, ponded in the parking lot and entered a retention basin adjacent to Lake Tahoe through a drain inlet located in the shore zone area. The remaining wastewater that was contained in the drain inlets and parking lot was recovered and returned to the collection system. Staff also recovered the remaining spill volume in the basin, removed impacted soils, landscaping materials and other debris, disinfected the site and restored the area of impact.

The forcemain break occurred downstream of the pumping units at the Carnelian Main Pump Station on Onyx Street. The pump station was shut down and secured and the incoming evening peak wastewater flows were being held in the gravity collection system pipes that are upstream of the pump station. The two main pump stations, upstream and east of Carnelian Pump Station, Secline Pump Station and National Pump Station, were also shut down and holding back the peak evening wastewater flows in the gravity collection system.

At 12:20 am and 1:40 am, District staff determined it was necessary resume pumping wastewater at the Carnelian Main Pump Station, which had been shut down since 9:00 pm, to avoid an additional spill to surface water. District staff was monitoring levels in the pump station wet well and had determined that wastewater was within 6-inches of creating a new spill point from a manhole located adjacent to Lake Tahoe. The professional decision was made to operate the pumping station to pump 6,300 gallons of wastewater being stored in the collection system and pump it out of the damaged forcemain where spill containment was in place in the parking lot at 5074 North Lake Boulevard that would prevent the wastewater from reaching Lake Tahoe. Vacuum excavation trucks then recaptured this wastewater and disposed it back into the wastewater collection system. This pumping and recapture effort may be viewed as the second component of the spill event.

At 2:20 am, the level in the collection system was again approaching the overflow point at the manhole adjacent to Lake Tahoe as described above. The repair of the pipeline was in progress with personnel working on installing the repair clamp inside the excavation where the break occurred. Pumping wastewater through the damaged forcemain, as described above in the second component of the spill event, would have endangered personnel working to repair the pipe and greatly delaying the pipe repair. To address the need to prevent an additional spill from the system to Lake Tahoe while also continuing to repair the damaged pipe, District staff set up a portable pumping unit that pumped 19,500 gallons of wastewater from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx Streets in Carnelian Bay. The wastewater was contained in

that basin. Staff recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact. This pumping, containment, recapture and cleaning effort may be viewed as the third component of the spill event.

At 3:38 am on July 19, 2024, the pipeline repair was completed, and wastewater flow pumping was resumed at 4:53 a.m. after all systems were verified for safe operation. The repair was successful, no further leaks were detected, the excavation site was backfilled and temporary pavement installed.

By 5:00 pm on July 19, 2024, the parking lot at 5074 North Lake Boulevard had been thoroughly pressure washed, disinfected with a sodium chlorite solution and all liquid and debris removed. The parking lot was reopened for public access.

During these first 24 hours of activity, District Staff issued statements across all public communication channels and coordinated response activities with regulating authorities including the Lahontan Regional Water Quality Board, Placer County, Division of Drinking Water, Tahoe Regional Planning Agency, and California Tahoe Conservancy. This coordinated Public Health and Environmental Response was facilitated by daily coordination calls to review water quality sampling data, review the current Public Health Advisory Areas for the affected areas along Lake Tahoe in Carnelian Bay, and adjust based on the sampling results.

On July 31, 2024, the Regulatory Agencies removed all Public Health Advisories for the impacted areas and final water quality samples were collected on August 1, 2024.

II. Details

At 8:03 pm, a District Operator received a call from a community member about a sewage spill in progress at 5000 North Lake Boulevard. The District operator immediately responded, arrived on-site at 8:23 pm, and began directing activities by contacting additional staff, contacting District management and requesting emergency equipment. District staff proceeded to shut down wastewater pumping operations at the upstream pumping stations that pump the wastewater through the newly damaged forcemain. Staff also mobilized to close a valve on the forcemain that is further downstream, but higher in elevation to the break site, to try and reduce the amount of wastewater draining back down the forcemain and out of the punctured pipeline. At the same time, Management staff was calling neighboring Utility Districts to request assistance in accordance with the Tahoe Truckee Area Agreement for Mutual Emergency Aid.

At 9:00 pm, the pumping stations were all secured and pipeline valves were closed. For the next 6.5 hours, District staff aided by Q&D Construction, five regional utility district staff and equipment, Placer County and Alpine Septic were engaged in clean-up efforts, excavating the damaged pipeline site, managing traffic control and completing repairs to the damaged 24-inch steel forcemain.

At 12:20 am on July 19, District staff needed to resume pumping wastewater at the Carnelian Main Pump Station which had been shut down since 9:00 pm. This is the pump station that pumps directly into the forcemain that was damaged. During this 3-hour and 20-minute period that the station was off-line (since 9:00 pm), the incoming wastewater was being stored in the collection system pipelines upstream of the Carnelian Main Pump Station. District staff was monitoring pump station wet well levels by SCADA and had determined that wastewater was within 6-inches of creating a new spill point from a manhole located adjacent to Lake Tahoe. The professional decision was made to operate the pumping station to pump 3,500 gallons of wastewater being stored in the collection system and pump it out of the damaged forcemain where spill containment was in place in the parking lot that would prevent the wastewater from reaching Lake Tahoe. Vacuum excavation trucks then recaptured this wastewater and disposed it back into the wastewater collection system.

At 1:40 am on July 19, the same activity described above was necessary again and 2,800 gallons of wastewater was pumped out of the damaged forcemain where spill containment was in place in the parking lot that would prevent the wastewater from reaching Lake Tahoe. Vacuum excavation trucks then recaptured this wastewater and disposed it back into the wastewater collection system.

At 2:20 am, the level in the collection system was again approaching the overflow point at the manhole adjacent to Lake Tahoe as described above. The repair of the pipeline was in progress with personnel working on installing the repair clamp inside the excavation where the break occurred. Pumping wastewater through the damaged forecemain, as described above, would have endangered personnel working to repair the pipe and greatly delayed pipe repair. At this time, it was determined not to pump the wastewater in the method described for the 12:20 am and 1:40 am pump and recapture activities. District staff instead set up a portable pumping unit that pumped 19,500 gallons of wastewater from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx Streets in Carnelian Bay. The wastewater was contained in that basin and public access to the basin is limited via existing fencing. Staff, later that morning, recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact. The following table provides a summary of the spill volumes.

Spill Component Table

Component	Time of activity	Gallons	Location
4,130 of 24" FM Drain back	8:00 pm 7/18	97,000	5074 NLB
Pump event to draw down CMS Wet Well using station pumps	12:20 am 7/19	3,500	5074 NLB
Pump event to draw down CMS Wet Well using station pumps	1:40 am 7/19	2,800	5074 NLB
Pump event to draw down CMS Wet Well using 6-inch pump	2:20 am 7/19	19,500	Onyx and Turquoise Basin
	Total	**122,800 gallons**	

At 3:38 am on July 19, the pipeline repair was completed.

At 4:53 am on July 19, all systems were verified for safe operation and wastewater pumping was reinstated. The repair was successful, no further leaks were detected, the excavation site was backfilled and temporary pavement was installed. All wastewater pumping stations were placed into normal operation and all wastewater was exported out of the Lake Tahoe Basin in accordance with the Waste Discharge Requirements.

7:18 am. The first set of three samples were collected at the spill site where it entered Lake Tahoe, 5074 North Lake Boulevard. It was determined to take a sample at the center of the spill site and 100-feet to the east and 100-feet to the west of the spill site. These samples were taken within the required 18-hour timeframe.

By 5:00 pm July 19, the parking lot at 5074 North Lake Boulevard had been thoroughly pressure washed, disinfected with a sodium chlorite solution and all liquid and debris removed. The parking lot was reopened for public access.

III. Conclusion

The District experienced a discharge of sewage from its sanitary sewer, as specified under the State Water Resources Control Board, Statewide Waste Discharge Requirement,

General Order For Sanitary System, Order WQ 2022-0103-DWQ effective on June 5, 2023, when a third-party drilled into the District's 24-inch diameter steel forcemain that transports raw sewage out of the Lake Tahoe Basin.

The District (WDID 6SS011110) receives regulatory coverage for its collection system under this General Order. A category 1 spill is a spill of any volume of sewage from or caused by a sanitary system regulated under this General Order that results in a discharge to a surface water, including a surface water body that contains no flow or volume of water. This discharge was a Category 1 Spill.

The spill commencing on July 18, 2024, at 8:00 pm discharged a total of 122,800 gallons of wastewater from the collection system. The spill was directly caused by a CalTrans contractor working in the North Lake Boulevard right-of-way performing excavation activities that punctured a hole in the District's 24-inch diameter steel forcemain that transports raw sewage out of the Lake Tahoe Basin.

A total of 97,000 gallons of wastewater drained out of the pipeline by 9:15 pm directly caused by the third-party damage. The wastewater flowed across the parking lot and along the roadway gutter at this location. It is estimated that 85,000 gallons reached Lake Tahoe at 5074 North Lake Boulevard after it crossed the parking lot and the shore zone. It is estimated that 12,000 gallons of wastewater was contained in the roadside drain inlets, ponded in the parking lot and entered a retention basin adjacent to Lake Tahoe through a drain inlet located in the shore zone area. The remaining wastewater that was contained in the drain inlets and parking lot was recovered and returned to the collection system. Staff also recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact.

A total of 6,300 gallons of wastewater was pumped back through the break site at 12:20 am and 1:40 am. This was necessary to prevent additional spill of wastewater to Lake Tahoe. District staff needed to resume pumping wastewater at the Carnelian Main Pump Station which had been shut down since 9:00 pm. District staff was monitoring pump station wet well levels and had determined that wastewater was within 6-inches of creating a new spill point from a manhole located adjacent to Lake Tahoe. The professional decision was made to operate the pumping station to pump 6,300 gallons of wastewater being stored in the collection system and pump it out of the damaged forcemain where spill containment was in place in the parking lot at 5074 North Lake Boulevard that would prevent the wastewater from reaching Lake Tahoe. Vacuum excavation trucks then recaptured this wastewater and disposed it back into the wastewater collection system.

A total of 19,500 gallons of wastewater was pumped from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx at 2:20 am. At this

time, the level in the collection system had again approached the overflow point at the manhole adjacent to Lake Tahoe as described above. However, by this point, the repair of the pipeline was in full progress, with personnel working on installing the repair clamp inside the excavation where the break occurred. Pumping wastewater through the damaged forcemain, as described above, would have endangered personnel working to repair the pipe and greatly delayed pipe repair completion. Therefore, to prevent a new spill to Lake Tahoe and to permit pipe repair to continue, District staff instead set up a portable pumping unit that pumped 19,500 gallons of wastewater from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx Streets in Carnelian Bay. The wastewater was contained in that basin with public access limited via existing fencing. Staff recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact.

The District does not dispute that there was an unexpected and unauthorized discharge of sewage from its sanitary system. The District states that this unexpected and unauthorized discharge was a result of third-party damage to the District's infrastructure.

The following section of the report follows the format from Attachment E1-Notification, Monitoring, Reporting and Recordkeeping Requirements, Section 3.1.3, Spill Technical Report for Individual Category 1 Spill in which 50,000 gallons or greater discharged into a surface water under Statewide Waste Discharge Requirement, General Order For Sanitary System, Order WQ 2022-0103-DWQ. There are four subsections under Section 3.1.3 with a bulleted list of information to be included in the Spill Technical Report. These will be addressed in the next section of the report.

1. Spill causes and circumstances, including at minimum:

1.1 Complete and detailed explanation of how and when the spill was discovered.

At approximately 8:00 p.m. on July 18, 2024, a sewer spill took place at 5000 North Lake Boulevard in Carnelian Bay, California. The sewer spill was caused when a CalTrans contractor working in the North Lake Boulevard right-of-way performing excavation activities punctured a hole in the North Tahoe Public Utility District (District) 24-inch diameter steel forcemain that transports raw sewage out of the Lake Tahoe Basin.

The total sewage spill volume was estimated at 122,800 gallons for the event. At 8:03 pm, a District Operator received a call from a community member about the sewage spill at 5000 North Lake Boulevard. There were additional calls made to 911 to report the situation and first responders were dispatched to the site. CalOES was notified by Grass Valley CalFire at 20:57 (8:57 pm) on July 18, 2024, within the required 2-hour notification period. Additional details are provided at the beginning of the report.

1.2 Photographs illustrating the spill origin, the extent and reach of the spill, drainage conveyance system entrance and exit, receiving water, and post-cleanup site conditions.

The photographs are uploaded in CIWQS as Attachment A – Spill Technical Report Photos.

1.3 Diagram showing the spill failure point, appearance point(s), the spill flow path, and ultimate destinations.

The diagrams are uploaded in CIWQS as Attachment B – Carnelian Bay Sewer Spill Map

1.4 Detailed description of the methodology employed, and available data used to calculate the discharge volume and, if applicable, the recovered spill volume.

The spill discharge volume was calculated by a State of California licensed Professional Engineer utilizing standard mathematical principals. The mathematical principals for each specific spill volume are presented in the following Table.

Component	Gallons	Calculation Method
4,130 of 24" FM Drain back	97,000	The volume of the pipe that drained back is the cross-sectional area multiplied by length of pipe that drained back through the break site utilizing the forcemain as-builts.
Pump event to draw down CMS Wet Well using station pumps	3,500	Total gallons stored in the collection system for the change in the SCADA recorded level measurement of the collection system from start to end of pumping. This calculation is level measurement specific because collection system storage changes with level.
Pump event to draw down CMS Wet Well using station pumps	2,800	Total gallons stored in the collection system for the change in the SCADA recorded level measurement of the collection system from start to end of pumping. This calculation is level measurement specific because collection system storage changes with level.
Pump event to draw down CMS Wet Well using 6-inch pump	19,500	Total gallons stored in the collection system for the change in the SCADA recorded level measurement of the collection system from start to end of pumping. This calculation is level measurement specific because collection system storage changes with level.

1.5 Detailed description of the spill cause(s).

The spill was directly caused by a CalTrans contractor working in the North Lake Boulevard right-of-way performing excavation activities that punctured a hole in the North Tahoe Public Utility District (District) 24-inch diameter steel forcemain that transports raw sewage out of the Lake Tahoe Basin. The contractor was performing vertical drilling using a 36-inch diameter auger that went through the crown of the steel pipe and made an 8-inch hole.

1.6 Description of the pipe material, and estimated age of the pipe material, at the failure location.

The sewage forcemain at the failure location is a 24-inch diameter steel pipeline with a mortar lining and tar wrapped coating that was installed in 1968, 56 years old at the time of the third-party damage.

1.7 Description of the impact of the spill.

The spill commencing on July 18, 2024, at 8:00 pm discharged a total of 122,800 gallons of wastewater into the environment.

A total of 97,000 gallons of wastewater drained out of the pipeline by 9:15 pm directly caused by the third-party damage. The wastewater flowed across the parking lot and along the roadway gutter at this location. It is estimated that 85,000 gallons reached Lake Tahoe at 5074 North Lake Boulevard after it crossed the parking lot and the shore zone. It is estimated that 12,000 gallons of wastewater was contained in the roadside drain inlets, ponded in the parking lot and entered a retention basin adjacent to Lake Tahoe through a drain inlet located in the shore zone area. The remaining wastewater that was contained in the drain inlets and parking lot was recovered and returned to the collection system. Staff also recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact

A total of 6,300 gallons of wastewater was pumped back through the break site at 12:20 am and 1:40 am. District staff determined it was necessary resume pumping wastewater at the Carnelian Main Pump Station, which had been shut down since 9:00 pm, to avoid an additional spill to surface water. District staff was monitoring pump station wet well levels and had determined that wastewater was within 6-inches of creating a new spill point from a manhole located adjacent to Lake Tahoe. The professional decision was made to operate the pumping station to pump 6,300 gallons of wastewater being stored in the collection system and pump it out of the damaged forcemain where spill containment was in place in the parking lot at 5074 North Lake Boulevard that would prevent the wastewater from reaching Lake Tahoe. Vacuum excavation trucks then recaptured this wastewater and disposed it back into the wastewater collection system.

A total of 19,500 gallons of wastewater was pumped from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx at 2:20 am. The level in the collection system had approached the overflow point at the manhole adjacent to Lake Tahoe as described above. The repair of the pipeline was in progress with personnel working on installing the repair clamp inside the excavation where the break occurred. Pumping wastewater through the damaged forcemain, as described above, would have endangered personnel working to repair the pipe and greatly delayed pipe

repair. District staff instead set up a portable pumping unit that pumped 19,500 gallons of wastewater from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx Streets in Carnelian Bay. The wastewater was contained in that basin with public access limited via existing fencing. Staff recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact.

1.8 Copy of original field crew records used to document the spill; and

The District maintains work orders associated with the event in the Computerized Asset Management System and are uploaded in CIWQS as Attachment C – District Work Reports Forcemain Spill.

1.9 Historical maintenance records for the failure location.

The District maintains as-builts of the forcemain and are uploaded in CIWQS as Attachment D – NTPUD Sewage Export Facilities As Builts.

2. Enrollee's Response to the Spill:

2.1 Chronological narrative description of all actions taken by the Enrollee to terminate the spill.

8:03 pm – Call came into NTPUD operator from a member of the community.

8:23 pm – First NTPUD responder arrived on scene and called for full crew backup, requested pumping stations to be placed on pumping hold, and emergency equipment request.

9:00 pm – Utility technicians on site and holding flow at all pump stations, mutual aid requested, NTPUD, and Q&D crews on site working to contain the spill.

9:00 pm – Forcemain valve closed downstream of break site to isolate downstream section of forcemain that is higher in elevation to the break site.

12:20 am - Pumping event to reduce stored wastewater in collection system upstream of Carnelian Main Pump Station to prevent a new overflow to Lake Tahoe. Wastewater contained in parking lot at 5074 North Lake Boulevard, recovered by vacuum excavation several hours later and returned to the collection system.

1:40 am - Pumping event to reduce stored wastewater in collection system upstream of Carnelian Main Pump Station to prevent a new overflow to Lake Tahoe. Wastewater

contained in parking lot at 5074 North Lake Boulevard, recovered by vacuum excavation several hours later and returned to the collection system.

2:20 am - Pumping event to reduce stored wastewater in collection system upstream of Carnelian Main Pump Station to prevent a new overflow to Lake Tahoe. District staff instead set up a portable pumping unit that pumped wastewater from the collection system into an adjacent stormwater basin. The wastewater was contained in that basin with public access limited via existing fencing. Staff later recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact

3:38 am – Pipeline clamp installed, pipe pressurized, valves re-opened, and clamp checked for integrity for 1-hour.

4:53 am – Flow reinstated

2.2 Explanation of how the Sewer System Management Plan Spill Emergency Response Plan was implemented to respond to and mitigate the spill; and

Section 6.2 of the District's Sewer System Management Plan was followed for this sanitary sewer overflow. This section is quoted in full below.

"6.2 SSO Standard Operating Procedure.
The District's Standard Operating Procedure (SOP) is outlined in the District prepared "SSO Emergency Response Operating Procedure" binder (Appendix A). As any SSO event is different, and is always time critical, this binder is designed as a simple, indexed, to the point, outline to use during any SSO event scenario. Included in the binder is:

- Contact information
- Bullet point SOPs
- Flowchart SOPs
- Detailed SOPs
- Notification/Reporting Requirements
- Documentation forms
- Volume estimation
- Available equipment
- Emergency Maps
- Water Quality Monitoring
- Etc.

The combined product provides direction whereby if followed and using the appropriate forms meets all requirements in regard to correct response, reporting, and documentation of the event.

This binder will assist the District personnel in determining the type of SSO, safely stopping/rerouting the flow, cleaning up the SSO and collecting all need information for notification and/or reporting purposes.

Specific measures taken for clean-up response and sewer intrusion into a private residence are described in the following subsections.

Clean Up Response
Once District personnel are notified of the SSO, the following steps are completed: 1) Containment of flow; 2) Pump around blockage; 3) Cleanup spill; 4) Prepare report. If further repair is required, additional steps will be taken as appropriate. These can include:

- Regulate upstream flows
- Install bypass pumps and piping (as required)
- Water shut off
- Tankers or Vacuum Trucks
- Excavation
- Repairs
- Resume normal pumping
- Monitor system
- Determine cause
- Restore operation”

Sewer System Management Plan, Appendix A – NTPUD SSO Emergency Response Operating Procedure was followed for this sanitary sewer overflow. This document is on the CIWQS database.

2.3 Final corrective action(s) completed and a schedule for planned corrective actions, including:

The District has completed all restoration and remediation work at the spill site. The forcemain was repaired with a full-circle stainless steel repair clamp. The District is evaluating whether to maintain the repair clamp in service or to section out the piece of forcemain and replace it with a new section of pipe at a future date.

2.4 Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable,

Not applicable.

2.5 Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences, and

The spill was caused by third-party damage to the sewage forcemain. The District will evaluate its procedures and utility coordination protocols to assist in minimizing the possibility that such third-party damage to its infrastructure may occur again in the future.

2.6 Necessary modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the spill.

The District has not determined the need for any major modifications to its Emergency Spill Response Plan. The District responded in a timely fashion and implemented its Plan successfully to help mitigate this spill event. An important component in mitigating this spill was holding the wastewater in the collection system upstream of the pumping stations because the pumping station forcemain was damaged. The District monitors the level in the wastewater collection system through the SCADA system and knows the maximum elevation that can be reached before a new spill point would occur at a specific manhole. Given the importance of this detailed monitoring of maximum elevation levels, the District will be re-checking the spill point elevation for all the District's main pumping stations with the discharge point manholes specifically called out and mapped for easy reference during an emergency.

3. Water Quality Monitoring, including at minimum:

3.1 Description of all water quality sampling activities conducted.

The District conducted water quality sampling daily at the spill site and locations east and west of the spill site from July 19 through August 1. The sampling locations were selected and approved by the regulatory agencies coordinating the Public Health and Safety Advisories. These agencies were Placer County, Lahontan Regional Water Quality Board, California Tahoe Conservancy and the Tahoe Regional Planning Agency.

3.2 List of pollutant and parameters monitored, sampled and analyzed as required in section 2.3 (Receiving Water Monitoring) of this Attachment.

The District collected and had samples analyzed for Fecal Coliform, E. Coli, Total Coliform and ammonia. The District followed the direction of the Regulatory Agencies listed above for parameters to analyze.

3.3 Laboratory results, including laboratory reports.

A summary page of the water sampling data and all the water sampling laboratory results are uploaded in CIWQS as Attachment E – Water Sampling Data.

3.4 Detailed location map illustrating all water quality sampling points; and

The water quality sampling points map is uploaded in CIWQS as Attachment F - Map of Water Quality Test Sites – All 8.

3.5 Other regulatory agencies receiving sample results (if applicable).

The sampling results were provided to Placer County, Lahontan Regional Water Quality Board, California Tahoe Conservancy and the Tahoe Regional Planning Agency.

4. Evaluation of spill impact(s), including a description of short-term and long-term impact(s) to beneficial uses of the surface water

Placer County, Lahontan Regional Water Quality Board, California Tahoe Conservancy and the District had daily conference calls to assess the water quality sampling data and to determine the appropriate Public Health and Safety Advisories. Public Health and Safety Advisories were approved by Placer County. The Incident Updates, which included the Public Health and Safety Advisory were regularly posted on the District's website and communication was provided on social media channels. Signage and information were also provided at the impacted closure sites through sandwich board signs, visiting residences, local businesses and talking to the public. The Incident Updates are uploaded in CIWQS as Attachment G - Incident Updates - All.

There were short-term impacts to recreational beneficial use of Lake Tahoe. Lake Tahoe was impacted in the areas covered by the Public Health and Safety Advisories. It is unknown how other beneficial uses were impacted. The best remedies in a situation like this are time and dilution. Some of the concerning bacteria present in untreated sewage can naturally occur in fresh water in lower concentrations and they will die off in the environment, usually in a matter of several days or weeks.

The District cleaned and disinfected the adjacent parking lot, walkways, and beach areas that were impacted by the initial spill. There are no commonly known practical methods to treat a large volume of lake water itself, especially in a water body as large as Lake Tahoe. In collaboration with the California Tahoe Conservancy and Placer County, the District completed restoration at the spill site, including disinfection and cleanup of the impacted landscaping areas.

There are no anticipated long-term impacts to the beneficial use of Lake Tahoe.

Regional Water Quality Control Board Supplemental Information Request

Request For Supplemental Information, Sanitary Sewer Systems General Order No. 2022-0103-DWQ, Lake Tahoe Sewage Spill, Placer County – August 22, 2024.

Water Board staff requests that NTPUD include the following supplemental information in the Spill Technical Report in addition to the information specified in the Sanitary Sewer Systems General Order:

Supplemental Information Request 1.

1. Why did the secondary spill occur at the detention basin near the upstream lift station on Onyx Street? Provide detail on the timeline, efforts to prevent or minimize the volume and impact of the spill, how the spill was recovered and returned to the collection system, and what cleanup efforts were performed to eliminate any remaining nuisance conditions.

The secondary spill to the detention basin on Onyx Street was required to prevent additional spill of wastewater to Lake Tahoe and to concurrently permit the repair of the forcemain to be completed. Without this decision to manage the wastewater volumes in this way, additional spill to the Lake would likely have occurred, the safety of District personnel could have been endangered, and the pipe repair would have been greatly delayed.

A total of 19,500 gallons of wastewater was pumped from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx at 2:20 am. At this time, the level in the collection system had again approached the overflow point at the manhole adjacent to Lake Tahoe as described elsewhere in this report. However, by this point, the repair of the pipeline was in full progress, with personnel working on installing the repair clamp inside the excavation where the break occurred. Pumping wastewater through the damaged forcemain, as had been done earlier in the event, would have endangered personnel working to repair the pipe and greatly delayed pipe repair completion. Therefore, to prevent a new spill to Lake Tahoe and to permit pipe repair to continue, District staff instead set up a portable pumping unit that pumped 19,500 gallons of wastewater from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx Streets in Carnelian Bay. The wastewater was contained in that basin with public access limited via existing fencing. Staff recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact.

Thus, the secondary spill occurred at the Carnelian Pump Station on Onyx Street because the wastewater flows were not being pumped and wastewater was filling the collection system upstream of Carnelian Pump Station. The forcemain break occurred at 8:00 pm on a Thursday in August during the evening peak flows that last until after typical bedtimes. It takes about one to two hours for sewer flows to travel from homes and business through the collection system and get pumped first through Secline Pump Station and then through National Main Pump Station before the wastewater reaches Carnelian Main Pump Station. The break required the Carnelian Pump Station to be shut down while peak wastewater flows continued to flow into the collection system. The District used professional judgment to manage these flows, to minimize spill impacts, and to avoid an additional spill to Lake Tahoe.

Supplemental Information Request 2.

2. Are there record drawings or other georeferenced records available for the 24-inch force main? If so, please provide the record drawings in response to this request. Were record drawings provided to CalTrans and its contractors?

As Built record drawings for the 24-inch force main are uploaded to CIWQS as Attachment D. These record drawings were provided to CalTrans prior to the spill event. A description of these record drawings and how these record drawings are typically employed follows.

Record Drawings of the 24-inch Sewer Forcemain

The District has the As Built Contract Drawings for Sewage Export Facilities, designed by Dewante and Stowell and Dated February 1968. These documents are uploaded as an Attachment D to CWIQS. The District has also mapped the As Builts in our ArcGIS system on the ESRI platform. All of the District's water and sewer assets are included in the ArcGIS system and these assets are routinely shared as "Shape" files with other Agencies and Engineers for identifying and locating utilities. This is a common Engineering practice and there is also a portal on USA North for requesting planning and design level utility information.

Were record drawings provided to CalTrans and its contractors for this specific project?

As explained more fully below, CalTrans had copies of the record drawings prior to the spill event. As also explained below, CalTrans and the District typically work closely on these types of projects to avoid utility issues. However, CalTrans and its contractor did not follow normal and required utility coordination procedures on this specific project. It is the opinion of District staff that this failure to follow normal and required utility coordination procedures on this specific project resulted in the spill event.

The District did not receive any normal pre-project communication from CalTrans or its contractors for this specific project, referred to as "*California Department of Transportation Contract No. 03-A3443, Project Name: Construction On State Highway In Placer County On Route 28 Between Center Street and Carnelian Bay Avenue In District 03 On Route 28*." The District has obtained a copy of the Notice to Bidders and Special Provisions Notice, and Project Plans approved February 11, 2022 for Contract No. 03A3443 from a CalTrans webpage after the spill date. This Contract had a Quote Due Date of April 27, 2022. The Contract No. 03-A3443 Project Plans are for the construction of all assets associated with the pedestrian path crossing at Center Street on North Lake Boulevard in Carnelian Bay. All District obtained CalTrans Contract No. 03-A3443 documents are uploaded in CIWQS as Attachment H - CalTrans Contract 03-A3443.

The Typical Process Utilized by CalTrans for Requesting Record Drawings

The District's service boundary encompasses the CalTrans right-of-way for North Lake Boulevard (SR 28) and Highway 267 and there are miles of sewer and water mains located in these rights-of-way. The District has a long history of coordinating projects with CalTrans including projects where the District is modifying, installing or replacing its utilities in the right-of-way and when CalTrans is proposing a construction project in our service area boundary.

The process typically used by CalTrans when they are proposing a project in the right-of-way, is a request is made from CalTrans to the District requesting utility information for the project limits CalTrans does have existing mapping of utilities in their right-of-way from permitted projects, previous projects and previous requests for information. If needed, the District typically provides utility information in an electronic ESRI "Shape" file so that it can be imported into CalTrans' design software. CalTrans then proceeds through their design process which usually includes ground surveying of the project limits and potholing of utilities where conflicts may exist with the CalTrans' proposed improvements. The majority of CalTrans projects are stormwater improvements, signal and lighting, curb and gutter and pavement restoration. When the design reaches a planned milestone, the District receives a draft set of contract drawings for review and confirmation that includes the District's existing utilities that are located on the drawings from the original "Shape" file, and then verified with potholing and survey data such as manhole and water valve locations that indicate spot locations of the buried utilities. The contract documents will also include utility conflict tables that identify locations where the proposed CalTrans improvements will impact the District utilities. On some occasions, separate utility conflict maps are also prepared.

During this process, the District typically also receives communication from CalTrans stating that the District will need to relocate its facilities to accommodate the CalTrans

proposed construction project. The District's utilities are located in the CalTrans right-of-way by permit and CalTrans can direct the District to relocate its facilities when a conflict occurs. In some instances, the conflict can be resolved with engineering re-design, in other instances the utilities are adjusted by the District prior to the execution of the contract by CalTrans, and in other instances the utilities are adjusted with the execution of the contract by CalTrans.

An Example of Normal Coordination: Utility Coordination for CalTrans Contract No. 03-0J0101

CalTrans Contract No. 03-0J0101 – In July 2022, CalTrans staff initiated contact with the District about their plans to pothole underground utilities under Highway 28 for the roadway rehab project 03-0J010. This CalTrans project is an 11-mile roadway improvement project and ADA upgrade project from Tahoe City to the California State Line on North Lake Boulevard. On September 28, 2022, additional files were sent detailing the potholing work to be performed and a set of positive location maps for all utilities in the SR-28 right-of-way (included as an Attachment I in CIWQS). **The District's 24-inch sewer forcemain is shown on the positive location sheets. The break site would be on sheet U-12, near station 399+00 across from California Street. CalTrans therefore had District utility mapping for the entire SR-28 corridor including Carnelian Bay where the proposed pedestrian crossing was to be constructed.** CalTrans Contract No, 03-0J010 is uploaded in CIWQS as Attachment I - CalTrans Contract 03-0J010 Pos Locations. The District did not receive any contract documents for the proposed pedestrian crossing project, CalTrans Contract 03-A3443.

Lack of Utility Coordination for CalTrans Contract No. 03-A3443

CalTrans Contract No. 03-A3443 includes the Special Provisions and Project Plans for the construction of all assets associated with the pedestrian path crossing at Center Street on North Lake Boulevard in Carnelian Bay. The District never received requests for utility information from CalTrans concerning this contract, was not invited to attend any project meetings with CalTrans concerning this contract or have any site visits with CalTrans staff concerning this contract.

The Contract plans were completed in February 2022 and the Notice for Quotes had a due date of April 27, 2022. This project began construction in July 2024 and on July 18, 2024, the District's 24-inch sewer forcemain was struck by the contractor performing the work.

Page 26 of the Contract No. 03-A3443 Contract Documents contains *Specification Section 87-10 – Locating and Mapping Underground Facilities*. This section of the contract requires very thorough pre-excavation utility location to be performed by the contractor and the preparation of digital files of existing conditions prior to the start of construction. The District is not aware that this work was done nor were we involved in any requests for

locating and mapping as described in this section. This section is quoted in its entirety here:

"*Replace section 87-10 with:*
87-10 LOCATING AND MAPPING UNDERGROUND FACILITIES
87-10.01 GENERAL
87-10.01A Summary
Section 87-10 includes specifications for performing work on underground facilities. This work includes locating and mapping existing underground facilities and providing digital files of all the facilities including the ones installed as a part of the project work.
87-10.01B Definition
Excavation: *Any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of tools, equipment, or explosives in any of the following ways: grading, trenching, digging, ditching, augering, tunneling, scraping, cable or pipe plowing and driving, or any other way.*
87-10.01C Submittals
Submit the following for review and approval:
1. A memo indicating the number of years of experience
1.1. The company has in locating underground facilities: a minimum of 3 years of field experience
1.2. The personnel performing the work have in operating the locating equipment. Previous experience from other companies is acceptable
2. The certification of personnel operating all the equipment to be used in the operation
3. 10 business days before disturbing existing grade, a report consisting of the following:
3.1. A signature from the company personnel in charge and responsible for the work
3.2. The type of facility, the alignment and profile, and depth from original ground and any anomalies.
3.3 A layout plan sheet or an aerial photo, identifying the location of the facility, 3 feet on each side of the planned excavation. For a spot location, identify the facility within a 6-foot square. A signed copy of the report will be returned for your files. The report must be approved before excavation. Submit the following for the records:
1. A list of the equipment that will be used in locating the underground facility
2. A digital copy of the report to the Engineer
87-10.01D Quality Assurance
Provide certificates of experience for the company and the personnel operating the equipment.
87-10.02 MATERIAL
Not Used
87-10.03 CONSTRUCTION
87-10.03A General

Only certified operators using approved equipment are allowed to locate the underground facilities. Locate all the facilities in the areas affected by your activity using 2 current underground utility locator technologies. Do not damage any underground facilities as a result of your operations. Do not use equipment or devices that may release hazardous material into the ground. You may use ground penetrating radar, radiography, electromagnetic tracing, ultrasonic tracing and any underground imaging technology. Any other method must be approved.

87-10.03B Pre-Excavation

For excavation at a spot location, mark out the location of the underground facility in a 6-foot square. For excavation other than a spot location, mark out the underground facility 3-feet on each side. Mark the underground facility identified by the locator on the existing grade before any disturbance of the existing grade. Marking that is obliterated or washed out must be re-identified by the locator. Therefore, the marking of the underground facility must be maintained until the disturbance of the existing grade. Collect the location and depth data of the located facility and include it in the digital files for the existing facility.

87-10.03C Post Installation

Locate the installed underground facility after the excavation is backfilled to final grade. In the case of boring, jacking, or tunneling methods, obtain the data from the equipment operator or by other approved methods. Collect the data for the location and depth of the installed facility and include it in the digital files.

87-10.03D Digital Files

Using the WGS 84global positioning system (GPS) co-ordinates, locate the underground facility within 3-feet accuracy. There must be a minimum of 4 satellites in the vicinity and optimum environmental condition for receiving information from the GPS satellites when using the GPS device. Provide the depth of the facility. Email a digital file of the geographic information system (GIS) mapping input. The digital file must contain the GPS coordinates of the underground facility, that includes the depth, type of facility (if available), size and any pertinent information. The digital file must be created using a computer aided design mapping software (.dgn files). The data must be geo-referenced with attributes.

87-10.03E Demonstration

Make corrections, adjustments, resubmittals, re-marking if the demonstration is not successful. Notify the Engineer 5 business days before the scheduled demonstration.

87-10.04 PAYMENT

Not Used"

Project Plan sheet U-1 shows the location of the pedestrian crossing and the District's sewer forcemain on the south side of North Lake Boulevard. It appears CalTrans is using previously collected utility location information in the preparation of these plan sheets. The Notes on this plan sheet are included below. It explicitly states that work can be adjusted to avoid conflict with existing utilities, the exact location of high priority utilities is not shown, and the Utility Owners include NTPUD for water and sewer.

NOTES:

1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT
   RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2. WORK ON THIS SHEET CAN BE ADJUSTED TO AVOID CONFLICT WITH EXISTING
   UTILITIES, EXACT LOCATION OF HIGH PRIORITY UTILITIES IS NOT SHOWN.
3. UTILITY OWNERS:
   ELECTRICAL - LIBERTY UTILITIES
   WATER - NTPUD
   SWWER - NTPUD
   GAS - SW GAS
   FIBER OPTIC - AT&T AND CHARTER

Supplemental Information Request 3.

3. Who marked the 24-inch force main in response the Underground Service Alert (USA) tickets (USA Ticket #2024061101993 and 2024070900927)? What methodology was used to locate the markings? How far off were the utility markings from the actual location of the force main where it was hit?

A District staff member marked the 24-inch forcemain using the inductive method. The inductive method appears to have resulted in the double marking of a buried gas line that is adjacent to the forcemain with the District's marks approximately 60-inches from the actual centerline of the forcemain. Details of this process are described below.

USA Ticket #2024070900927 and Locating Procedures

The District received USA Ticket #2024070900927 on July 9, 2024, through our member portal to mark District underground assets in the area specified on the Ticket and as delineated at the site location. St Francis Electric requested the locate, work type is road work; asphalt/pavement work, with notes for Vacuum and St/Sidewalk and was to be done for the Project Owner, CalTrans. The date to complete the locate was July 11 and the work begin date was also July 11. The Ticket noted that the area of work was delineated with white paint and flags and the excavation method was drilling-vertical with an anticipated depth of greater than 84-inches. The area to mark was 400-feet long encompassing the entire roadway, 20-feet on the north edge of the road and 30-feet on the south edge of the road.

USA Ticket 2024070900927 is uploaded in CIWQS as Attachment J - USA Ticket 2024070900927.
USA Ticket 2024061101993 is uploaded in CIWQS as Attachment K - USA Ticket 2024061101993.

USA Ticket 2024070900927 is the subject ticket and it appears that USA Ticket 2024061101993 is some type of renewal of the subject ticket.

The District's Utility Operations Compliance Inspector proceeded to the area described in the Ticket on July 9 and performed locating and marking activities for the District's underground assets. The Compliance Inspector utilizes a Schonstedt Rex Pipe and Cable Locator which has three modes to locate underground assets: direct, inductive clamp, and inductive mode. Direct mode requires the presence of a tracer wire, inductive clamp is for attaching to an exposed small diameter metallic pipe (like a gas service to a residence), and inductive mode is utilized for buried metallic pipelines without a tracer wire. The 24-inch forcemain was installed in 1968, is a welded steel pipeline with mortar linings and a tar wrapped coating, and does not have a tracer wire. The pipe is in the CalTrans right-of-way of North Lake Boulevard with a depth of burial ranging from three to eight feet. The inductive method of locating the 24-inch forcemain was utilized on July 9. A map of the Carnelian Forcemain is provided in an overview map and is uploaded in CIWQS as Attachment L - Carnelian Forcemain Overview Map.

The District's Compliance Inspector was the first utility to respond and perform utility locating and therefore the District's marks were made prior to any other adjacent utilities. The 24-inch forcemain centerline location was identified on the pavement of North Lake Boulevard with green paint and called out as 24" – SFM. The inductive method of locating pipelines generates a signal from a device placed on the ground surface above the targeted buried pipeline that produces an electric current in the targeted buried pipeline. It appears that this inductive method created a stronger signal on the buried gas line adjacent to the sewer forcemain because our marks are located closer to the gas line than the location of the 24-inch forcemain in this excavation area. Subsequent to the District's marking, Southwest Gas marked their adjacent gas line. The overlapping USA marks should have drawn attention to the contractor that there could be an issue with the USA locations however no request from the contractor for a field meeting or location verification was made to the District.

Excavations by the Contractor at the Break Site in Relation to USA Markings

There are a total of three excavations in the area where the third-party damage to the 24-inch forcemain occurred. A figure follows this text section. The USA mark for the centerline of the District's 24-inch forcemain was located 40 to 46-inches from the curb. The actual centerline of the buried 24-inch forcemain is 106-inches from the curb, placing the pipe ceterline 60-inches from these USA marks.

Excavation site three and what became the break site, is measured by the rectangular pavement patch. The rectangular pavement patch replaces the original excavation site where the 36-inch auger drilled through the pavement and impacted the forcemain. The

centerline of the USA marks for District's 24-inch forcemain was located 46-inches from the curb. The centerline of the buried 24-inch forcemain at this location is 106-inches from the curb, placing the pipe 60-inches from these marks. The estimated closest point of the excavation occurred 42-inches from the centerline of the USA marks. This excavation occurred outside the tolerance zone but is within 10-feet of high priority pipelines which have special provisions in California Government Code § 4216.

Excavation site one is measured by the rectangular pavement patch that is 41 to 79-inches from the curb and the centerline of the USA marks for the District's 24-inch forcemain was located 40-inches from the curb. The closest point of the excavation occurred 1-inch from the centerline of the USA marks. This excavation is directly in the USA marks tolerance zone and this excavation was performed with power driven excavation or boring equipment. In accordance with the provisions of the California Government Code § 4216, power driven excavation or boring shall not occur in the tolerance zone unless hand or vacuum excavation is performed to positively identify the location of the forcemain first. Had these California Government Code § 4216 requirements been followed; this event would not have occurred. This excavation is also within 10-feet of high priority pipelines which have special provisions in California Government Code § 4216.

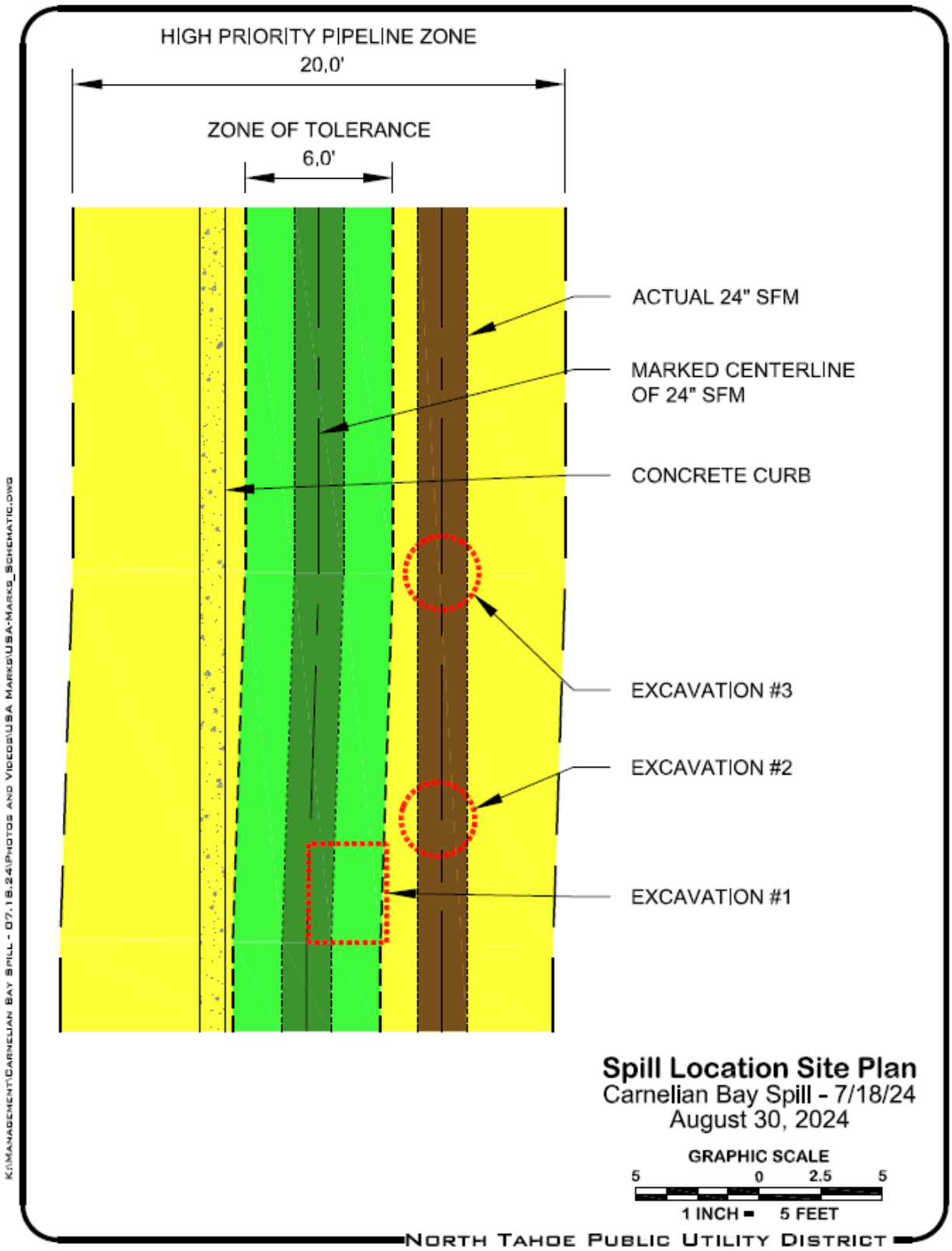
Excavation site two is measured by the circular pavement patch from 86 to 122-inches from the curb where the 36-inch auger was utilized. The centerline of the USA marks for District's 24-inch forcemain was located 43-inches from the curb. The centerline of the buried 24-inch forcemain at this location is 106-inches from the curb, placing the pipe 63-inches from these marks. The closest point of the excavation occurred 43-inches from the centerline of the USA marks. This excavation occurred outside the tolerance zone but is within 10-feet of the high priority pipeline which have special provisions in California Government Code § 4216.

Summary

The District operates a high priority pipeline in North Lake Boulevard that has additional criteria in California Government Code § 4216 when contractors are excavating withing 10-feet of these pipelines. CalTrans had record drawings of this facility prior to the spill event. However, normal utility coordination did not occur for the project that resulted in this spill event. If normal utility coordination had occurred, it is likely this event would not have occurred.

The District's marking in the field appears to be located over the gas line and not directly over the sewer forcemain, a variance of approximately 60-inches to 66-inches depending on location. The contractor performed three excavations the night of July 18, all three in the high priority pipeline zone and the first excavation was in the tolerance zone of the USA marks. The CalTrans special provisions for Contract 03-A3443 also included very detailed

requirements for pre-excavation utility location and mapping that does not appear to have been conducted and which would have positively identified the location of the 24-inch forcemain prior to construction.



Spill Location Site Plan is uploaded in CIWQS as Attachment M - USA-Marks Schematic.

CIWQS Spill Id #895774

Supplemental Information Request 4.

4. What could have been done to prevent the secondary spill from occurring? Why was a bypass not setup to avoid the secondary spill? Is there existing infrastructure that could be improved and/or additional resources that could be secured to prevent a spill of this nature in the future?

The District used professional judgment to avoid additional spills to Lake Tahoe by diverting and recapturing wastewater that would have otherwise spilled. A bypass was not a feasible option under the conditions presented in the event and would have likely prevented the timely repair of the forcemain. The District will continue to identify methods to improve its spills response, but the District's spill response and professional decisions in this case prevented additional spills to the Lake Tahoe.

Sewer Bypass System Evaluation

During a sewer spill event, District staff assess the situation and make decisions about protecting the public, spill containment, regulating sewer flows to minimize additional spillage, assessing the damage to the assets, how best to repair the damaged assets and what are the potential timelines to complete all activities. During this spill event, it was determined based on the available resources to dedicate a portion of the resources to transporting sewage from the collection system upstream of the break location to a point downstream of the break location and to dedicate resources to excavating the break site and commencing repairs.

The alternative to these actions would be to dedicate the resources on site to setting up the sewer bypass system and the remaining resources to transporting sewage as described above. The bypass at this location involves deploying 3,000 linear feet of 8 and 10-inch pressure rated hose from a reel system between the isolation valves and bypass hose connections on the 24-inch forcemain. It would require deploying six hose reels that are stored at 875 National Avenue and are laid out using a special trailer. It takes approximately 1-hour to deploy one hose reel and additional time for making connections at each end and inspecting prior to pressuring the hose. The total effort to deploy the bypass system at the site of the forcemain break and place it into operations is approximately 8-hours. If this task was begun at 9:00pm, it would have been 5:00 am before it went into operation, which is after the actual repair was completed. Staff would then begin repairing the forcemain. During the period of time that the bypass was being installed, the District would have had to continue to pump and recapture the wastewater. In short, the decision not to install the bypass resulted in quicker pipe repair while also minimizing the period of time in which pump and recapture had to occur.

There were other professional considerations that supported the District's decision not to install a bypass system for this event. The bypass line does ultimately reinstate wastewater flows, but the bypass hose creates significant issues to vehicle travel and conducting the repairs. The bypass hose would need to be set up on the same side of North Lake Boulevard that the break occurred because that is where the bypass valves are located. The hose is 8 and 10-inch diameter hose and can't be driven over because of its size and the damage it could cause to the hose. This then requires some type of ramping to be constructed at every vehicle crossing point for access. During an emergency, some access points would be blocked. At the break site, a significant amount of ramping would need to be set-up so construction equipment could get access to perform the repair. At places where there is no ramping, it would require staging staff to make sure no vehicles try to drive over the bypass hose. Along this 3,000-feet of bypass hose length, there are over 25 crossings to be protected. This is another reason that the best course of action was to dedicate resources to transporting wastewater by vacuum truck around the break site and dedicate resources to repairing the pipe to get it back in service.

Secondary Spill Volume and Reasons for Secondary Spill

The secondary spill volumes and actions has been covered elsewhere in this report and are summarized again below. The forcemain break occurred at 8:00 pm on a Thursday in August. Sewer flows begin peaking in the evening near dinner time and do not taper off until after typical bedtimes. It takes about one to two hours for sewer flows to travel from homes and business through the collection system and get pumped first through Secline Pump Station and then National Pump Station before it flows to the Carnelian Pump Station on its route to be pumped over Dollar Hill on its way to Tahoe City where it eventually flows to Truckee for treatment. The break occurred during this evening peak wastewater flow. The break required the Carnelian Pump Station to be shut down while peak wastewater flows continued to flow into the collection system. The District used professional judgment to manage these flows and to minimize spill impacts as described below.

A total of 6,300 gallons of wastewater was pumped back through the break site at 12:20 am and 1:40 am. This was necessary to prevent additional spill of wastewater to Lake Tahoe. District staff determined it was necessary to resume pumping wastewater at the Carnelian Main Pump Station, which had been shut down since 9:00 pm, to avoid an additional spill to surface water. District staff was monitoring pump station wet well levels and had determined that wastewater was within 6-inches of creating a new spill point from a manhole located adjacent to Lake Tahoe. The professional decision was made to operate the pumping station to pump 6,300 gallons of wastewater being stored in the collection system and pump it out of the damaged forcemain where spill containment was in place in the parking lot at 5074 North Lake Boulevard that would prevent the wastewater from

reaching Lake Tahoe. Vacuum excavation trucks then recaptured this wastewater and disposed it back into the wastewater collection system.

A total of 19,500 gallons of wastewater was pumped from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx at 2:20 am. At this time, the level in the collection system had again approached the overflow point at the manhole adjacent to Lake Tahoe as described above. However, by this point, the repair of the pipeline was in full progress, with personnel working on installing the repair clamp inside the excavation where the break occurred. Pumping wastewater through the damaged forcemain, as described above, would have endangered personnel working to repair the pipe and greatly delayed pipe repair completion. Therefore, to prevent a new spill to Lake Tahoe and to permit pipe repair to continue, District staff instead set up a portable pumping unit that pumped 19,500 gallons of wastewater from the collection system into an adjacent stormwater basin located at the corner of Turquoise and Onyx Streets in Carnelian Bay. The wastewater was contained in that basin wit public access limited via existing fencing. Staff recovered the remaining spill volume in the basin, removed impacted soils and debris, disinfected the site and restored the area of impact.

Supplemental Information Request 5.

5. What was the response from CalTrans and its contractors during and after the forcemain rupture? Provide detail on what efforts were made by CalTrans and its contractors to communicate the event to NTPUD and to assist in repairs and cleanup.

The District has no record of CalTrans participation in the spill response. The contractor was on site at the beginning of the spill, but once the District authorized the removal of the auger, the contractor demobilized and left the site with their equipment. The District has a record of a call from the contractor at 8:22 pm. The District had previously received a report of the spill at 8:03 pm from a community member and was already onsite site by approximately 8:22 pm. Neither CalTrans nor the Contractor offered or assisted in the repairs or the cleanup.

The following Attachments have been Uploaded to CIWQS

Attachment A Spill Technical Report Photos

Attachment B Carnelian Bay Sewer Spill Map

Attachment C District Work Reports Forcemain Spill

Attachment D Sewage Export Facilities As Builts

Attachment E Water Sampling Data

Attachment F Map of Water Quality Test Sites - All 8

Attachment G NTPUD Incident Updates - All

Attachment H CalTrans Contract 03-A3443

Attachment I CalTrans Contract 03-0J010 Pos Locations

Attachment J USA Ticket 2024070900927

Attachment K USA Ticket 2024061101993

Attachment L Carnelian Forcemain Overview Map

Attachment M USA-Marks Schematic

ATTACHMENT 3 TO PENALTY CALCULATION METHODOLOGY:

CALTRANS' NOV RESPONSE
(DATED AUGUST 28, 2024)

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
North Region Construction Field Office,
3855 North Freeway Blvd, Suite 120,
Sacramento, CA 95827
Bus: (916) 799-2649
Fax: (916) 263-4933
TTY 711

Making Conservation
a California Way of Life

August 28, 2024

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
South Lake Tahoe, CA 96150

Sub: Notice of Violation, CA OES Control #24-4120

Dear Mr. Miller,

In response to your letter dated August 09, 2024, of Notice of Violation, following is the Department technical report addressing alleged violation and the sequence of activities leading to main sewer damage and consequent sewage spill over to nearby areas and adjacent beach:

1. The project is a safety enhancement initiative for State Highway 28 in Placer County, specifically between Center Street and Carnelian Bay Avenue. Contract No. 03A3443 is categorized as a Minor 'B' contract. The scope of work includes the installation of marked crosswalks and pedestrian-activated Rectangular Rapid Flashing Beacons (RRFBs) to improve pedestrian safety. Please refer to the attached approved Department contract for detailed information on the work to be performed.

2. The North Tahoe Public Utility District (NTPUD) force main was ruptured on July 18th, 2024, because the main sewer line was marked incorrectly on the pavement by USA. The marking by USA and the actual location of the Sewer line were offset by 76 inches. This 'Modifying Signal and Lighting Systems' project consist of but not limited to installing foundations for flashing beacons, safety lightings, pull boxes, and associated electrical elements. Before determining the foundations' locations, the contractor requested USA marking on July 09th, 2024, to identify underground utilities in the work area. The contractor received the USA ticket No. 2024070900927. I visited the job site location on July 11th, 2024, and with collective efforts of the prime contractor, subcontractor, and Caltrans engineers (see the names below), the final locations of pole foundations were determined **based on the information provided by the USA Markings**. The contractor mobilized to the job site on the night of July 14th, 2024 and started their field operations on July 15th, 2024, by installing conduits and pull boxes across the main line, along the EB-28 shoulder. On the following nights of July 16th and 17th, I visited job site along with Mohammad Battah (Assistant Resident Engineer) to ensure that the contractor's activities are complying with the contract documents and the Department's guidelines. On July 18th, 2024, the contractor started drilling the foundation for flashing beacon on EB-28 at approximately 08:00 PM. During the drilling operations the contractor damaged the sewer

line that was incorrectly staked by USA. The sewer line which was located at a depth of 4.5 feet from the finish grade, started a sewage spill due to the damage. After the incident, it was discovered that the actual sewer pipe was located 76 inches from the USA marking on the pavement. The following personnel were involved in determining the best location for the flashing beacon and highway lighting foundation. The major factor for determining the location was the data provided by the USA markings.

- Rakesh Chander (Resident Engineer), (916) 799-2649
- Mohammad Battah (Assistant Resident Engineer), (530) 812-4206
- Ken Schumann (Assistant Resident Engineer), (530) 330-2738
- Chris Gutherz (Pomas Consultant Engineer), (530) 721-9012
- Aaron Schendel (B & M Builders, Inc.) (916) 496-0479
- KC Ingram (St Francis Electric), (510) 828-6777
- Nate Wilkening (St Francis Electric), (510) 566-4894

3. On July 09, 2024, the contractor submitted a ticket requesting the USA North One Call portal. The contractor received the USA ticket No. 2024070900927 that permitted excavation starting on July 11th, 2024, (see Attachment B to include utility locate responses). On July 11th, 2024, a field meeting between Caltrans and the contractor was held to determine the final locations where the foundations are be drilled. All marked utilities within 2 feet of proposed excavation were potholed and identified before excavation began. Additionally, the contractor performed locating and mapping, and the results were provided to the Department. All potholing documentation is included in this package.

4. Ken Schumann (Assistant Resident Engineer) was present at the job site when the incident occurred. He inspected the contractor's work to ensure its compliance with contract documents. Caltrans representatives do not direct the contractor's work. The method and means for constructing and completing the project are the contractor's responsibilities.

5. Ken Schumann notified me as soon as the incident occurred, and I promptly informed my supervisor. Both Mohammad Battah (Assistant Resident Engineer) and I went directly to the job site after receiving the notification. I took charge of the situation, coordinating our response with Mr. Bradley Johnson, the General Manager/CEO of NTPUD, and offered support to NTPUD from our contractor. Mr. Johnson informed me that NTPUD would handle the repair and cleanup of the sewer spill.

6. The contractor notified all concerned parties when the incident happened.

If you have any questions, please contact me at (916) 799-2649.

Sincerely,

Rakesh Chander

Rakesh Chander
Resident Engineer

cc: Hamed Rastegarpour, Construction Engineer
North Region Construction Office
Greg Berry, Chief North Region Construction
Carl Berexa, Area Construction Manager
HQ Construction
District 03 Maintenance Manager

ATTACHMENT 4 TO PENALTY CALCULATION METHODOLOGY:

B&M BUILDERS' NOV RESPONSE
(DATED AUGUST 20, 2024)

B&M Builders, Inc.
11330 Sunrise Park Drive, Ste. C
Rancho Cordova, CA 95742
Phone: (916) 638-8626
Fax: (916) 352-6944
Lic. No. 861848 A, B, C-8, C-10, C-12, C-20, C-27, C-31, C-53, C-54
DIR No. 1000003277

August 20, 2024

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

15095 Amargosa Rd., Bldg 2 – Suite 210
Victorville, CA 92394

Re: Lake Tahoe Sewage Spill; 5074 North Lake Blvd., Carnelian Bay, Placer County, California
WDID Number 6SSO11110

The following is provided in response to the six categories of requested information found on page 4 of the Lahontan Regional Water Quality Control Board letter to B&M Builders, Inc. and others dated August 9, 2024, signed by Trevor Miller, P.E.

Response Actions:

1) Details of the project for which the construction work was being performed:
    a. Project Name: Minor B – construction on State Highway in Placer County on Route 28 Between Center Street and Carnelian Bay Avenue
    b. Project Owner: California Department of Transportation (Caltrans)
    c. Contract No. 03-1J7904
    d. Description of Work: Install marked crosswalk and pedestrian activated Rectangular Rapid Flashing Beacons.
    e. Permits: B&M Builders, Inc. was not required to obtain any permits to perform this project for Caltrans.
    f. General Contractor: B&M Builders, Inc. (B&M)
        i. 1st Tier Subcontractor: St. Francis Electric, Inc. (SFE)
        ii. 2nd Tier Subcontractor: Pacific Coast Drilling Co. (PCDC)
2) Cause of Rupture: NTPUD's force main was ruptured because NTPUD's supplied USA utility markings were 7 feet away from the actual pipe location. This is far outside the allowable tolerance for utility marking. B&M took all reasonable precautions to protect the work site and existing utilities, as required, including but not limited to: submitting ticket to Underground Service Alert (USA), contracting with an outside location service company and potholing all utilities in the service area. B&M was not responsible for the final placement of the rapid flashing beacon foundations and merely drilled where directed by Caltrans. Details of these facts are provided below.
    a. B&M submitted a ticket to Underground Service Alert (USA) on 6/11/2024 (**Exhibit 2**), B&M's ticket was renewed on 7/7/2024 (**Exhibit 3**). SFE submitted a ticket to USA on 7/9/2024 (**Exhibit 4**).
    b. B&M contracted with On Target Precision Locating (OTPL) to perform location and mapping of the existing underground utilities within the work zone. The map supplied by OTPL does not show the NTPUD force main in the area of excavation. (**Exhibit 1**).
    c. B&M potholed all utilities that were marked on the ground in conflict with the excavation that was to be done. The NTPUD force main was not in conflict with this excavation because it was marked 76 inches away from the actual location where it was hit.

B&M Builders, Inc.
11330 Sunrise Park Drive, Ste. C
Rancho Cordova, CA 95742
Phone: (916) 638-8626
Fax: (916) 352-6944
Lic. No. 861848 A, B, C-8, C-10, C-12, C-20, C-27, C-31, C-53, C-54
DIR No. 1000003277

d. The plans were vague on the location for where the foundations would be placed. So, on 7/11/2024 the Resident Engineer from Caltrans, Rakesh Chander, and others from Caltrans met B&M and SFE personnel in the field to mark out the locations for where the rapid flashing beacons should be installed (**Exhibit 7**). Based on the USA markings placed by the utility owners, the locations where Caltrans marked to place the rapid flashing beacons should not have been in conflict with utilities in the area.

3) Prior Measures Taken: Prior to construction, B&M 1st tier subcontractor, "On Target Precision Locating", located and mapped the underground utilities within the work zone using both GPR and electro magnetics to confirm the existence of subsurface utilities within the work zone. This information was submitted to Caltrans on 6/24/2024 as project submittal #22 (Exhibit 1). The map provided by On Target Precision Locating does not show the NTPUD force main in the work area. B&M submitted a ticket to Underground Service Alert (USA) on 6/11/2024 (Exhibit 2), B&M's ticket was renewed on 7/7/2024 (Exhibit 3). SFE submitted a ticket to USA on 7/9/2024 (Exhibit 4). The NTPUD force main was marked 76 inches away from the rapid flashing beacon location. Based on the utility markings on the ground, potholing for the NTPUD force main was not required at the location marked by Caltrans for the flashing beacon. Potholing is only required when utilities are marked within 2 feet plus the diameter of the pipe from the work location. The NTPUD force main is a 24 inch diameter pipe, so B&M would have been required to pothole the utility if it would have been marked within 48 inches of the rapid flashing beacon location. As mentioned above, the NTPUD force main was marked 76 inches away from the rapid flashing beacon location. 5 Pictures are attached marked as **Exhibit 5, Exhibit 5.1, Exhibit 5.2, Exhibit 5.3 and Exhibit 5.4.** On 7/11/2024 Caltrans personnel Rakesh Chander (Caltrans Resident Engineer), Mohammad Battah (Caltrans) and Kenneth Schumann (Caltrans Inspector) met with B&M and SFE in the field. Caltrans reviewed the utility markings painted on the ground to determine the exact location for where to place the rapid flashing beacons. Caltrans directed B&M and SFE exactly where to place the rapid flashing beacons. The location chosen by Caltrans to place the rapid flashing beacons was painted out on the ground. See attached photo (**Exhibit 6**) and email from the Caltrans Resident Engineer (Exhibit 7) confirming Caltrans marked the locations for the rapid flashing beacons.
4) Staff Onsite: B&M representative Miles Redpath was on site assisting in traffic control operations for SFE when the force main rupture occurred. SFE foreman Nate Wilkening was on site supervising operations for SFE, and SFE's subcontractor PCDC. Laborers were on site from SFE performing traffic control and various duties on site. Laborers and operators were on site from PCDC to drill for foundations for the rapid flashing beacons. Pacific Coast Drilling Co. (PCDC) operator Tim Young was operating the excavator that struck the NTPUD force main. Caltrans inspector Kenneth Schumann was on site when the NTPUD force main was struck.
5) Response at Time: Immediately after the hit, SFE foreman Nate Wilkening notified 811, Caltrans, NTPUD, management at SFE, and B&M project management. PCDC operator Tim Young left the auger bit in the hole and applied pressure to the line to help slow the flow. NTPUD emergency response crews arrived on site at approximately 9:30pm. B&M and SFE crews assisted NTPUD with any tasks needed including containment, clean-up, traffic control and pedestrian control.
6) Notification of NTPUD: SFE foreman Nate Wilkening notified NTPUD immediately after the hit.

ATTACHMENT 5 TO PENALTY CALCULATION METHODOLOGY:

SFE'S NOV RESPONSE
(DATED AUGUST 22, 2024)

975 Carden Street ** P.O. Box 2057 ** San Leandro, CA 94577
(510) 639-0639 (Office) • (510) 639-4653 (Fax)

August 22st, 2024

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Re: Notice of Violation, Cal OES Control #24-4120 (SFE Job # 22-0349)

ATTN: Kristin Tokheim, Trevor Miller

To whom it may concern:

The report below outlines the chain of events regarding the hit of a mis-marked 24" forced sewer main on July 18th, 2024 as indicated in the Cal OES Control Report #24-4120 on Route 28 in Carnelian Bay. Please note that the Cal OES Report does not address the 2nd-tier subcontractor, Pacific Coast Drilling Company, excavating at the time of the force main rupture.

1. St. Francis Electric, LLC (SFE) is subcontracted under B&M Builders, Inc. to perform the electrical scope in Caltrans Minor B Contract 03-A3443 on Route 28 in Carnelian Bay which includes a pedestrian activated Rectangular Rapid Flashing Beacon installation (See Attachment A). The scope for SFE included CIDH foundations, conduit installation and pole installations. SFE brought in a 2nd tier subcontractor to complete the CIDH foundations, Pacific Coast Drilling Company (PCDC). The SFE and PCDC subcontract was fully executed on July 1st, 2024 (See Attachment B).
2. The NTPUD's force main was ruptured on July 18th, 2024 due to a mismarked utility locate by the North Tahoe Public Utility District (See attachment C for reference photos). The sewer main was marked 30' away, 76" off of actual location. On July 11th, 2024 the following personnel met on site to layout foundation locations based on the marked utilities:

    - Mohammad Battah (Caltrans District 3) (530) 812-4206
    - Rakesh Chander (Caltrans District 3) (916) 799-2649
    - Ken Schumann (Caltrans Inspector) (530)330-2738
    - KC Ingram (SFE) (510) 828-6777
    - Nate Wilkening (SFE) (510) 566-4894
    - Aaron Schendel (B&M) (916) 496-0479

The excavating contractor, Pacific Coast Drilling Company (PCDC), was not on site during the field layout.

PCDC Contacts: Project Manager: Aaron Sykes (707) 778-8316 Ext. 111
aaron@pacificcoastdrilling.com
Equipment Operator: Tim Young (707) 799-5795

3. On July 9th, 2024 SFE submitted a ticket request via USA North One Call portal. USA ticket #2024070900927 (Attachment D to include utility locate responses) was received with a legal excavation start date of July 11th, 2024. SFE mobilized to site on Sunday night, July 14th, 2024. Following the field meet indicated above to layout foundations, all marked utilities within 24-inches of proposed excavation were potholed and identified prior to excavation.
4. On site at the time of the rupture included:
   SFE crew: Nathan Wilkening (foreman), Ryan Hawk, Jose Briseno, Jose Pena, Jose Luis Garcia
   PCDC included: Tim Young (Equipment Operator)
   PCDC was subcontracted to perform the CIDH excavation for our signal pole foundation (total foundation size was to be 30" x 84"). Utilizing a 30" auger, the mismarked sewer main was hit at a 4'-5' depth below finish grade at approximately 8:00PM.
5. Immediately following the sewer main hit, SFE foreman contacted 811 → Caltrans → North Tahoe Public Utility District → B&M Builders. Due to the reported significance of the rupture, multiple parties contacted 811 to request immediate support from the appropriate parties to assist in the containment. With the urgency in mind, 811 was provided the SFE USA Ticket # for site reference, **although PCDC was the excavating contractor.** It was determined to have PCDC hold their equipment/auger within the punctured sewer main to mitigate the excess overflow. In a combined effort, all local crews assisted with containment, clean-up, traffic control and guiding pedestrians. Q&D arrived at approximately 9:30PM with vacuum trucks to contain the waste.
6. Assumption is that notice to 811 cued notices to NTPUD arrival to site. After arriving at the site, Jesse Lochridge (Inspector with NTPUD) indicated locators likely picked up signal from gas lines running parallel with the sewage line leading to inaccurate readings.

Should you have any additional questions or concerns, please contact me at (510) 427-1655.

Sincerely,

Jessica Macias
Jessica Macias
Project Manager

ATTACHMENT 6 TO PENALTY CALCULATION METHODOLOGY:

ECONOMIC BENEFIT ANALYSIS

Economic Benefit Analysis

NTPUD Force Main Spill - Caltrans

Compliance Action	Capital Investment					One-Time Non-Depreciable Expenditure				Annual Cost			Non-Compliance Date	Compliance Date	Penalty Payment Date	Discount Rate	Benefit of Non-Compliance
	Amount	Basis	Date	Useful Life (years)	Delayed?	Amount	Basis	Date	Delayed?	Amount	Basis	Date					
Onsite meeting between operator and excavator (travel)	$ -	ECI	1/1/2015	15	Y	$ 21.98	GDP	10/4/2024	N	$ -	ECI	1/1/2015	7/18/2024	7/20/2024	1/1/2025	3.70%	$ 22.37
Onsite meeting between operator and excavator (labor)	$ -	ECI	1/1/2015	15	Y	$ 235.00	ECI	10/4/2024	N	$ -	ECI	1/1/2015	7/18/2024	7/20/2024	1/1/2025	3.70%	$ 236.91
3	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
4	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
5	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
6	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
7	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
8	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
9	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
10	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
11	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
12	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
13	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
14	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
15	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -

Income Tax Schedule: Municipality

USEPA BEN Model Version: Version 2024.0.0 (April 2024)

Analyst: Erin Mustain

Date/Time of Analysis: 10/10/24 12:42

Total Benefit: **$ 259.28**

Assumptions:

1. Assume meeting is located at NTPUD office
2. Assume resident engineer attends meeting to represent Caltrans
3. Assume resident engineer works a 40 hour work week
4. Assume meeting lasts no more than 2 hours
5. Assume electric vehicle, which is cheaper and Caltrans is transitioning to, and $0.1944 per mile (energy and maintenance)
6. Assume 113 miles between Caltrans office and NTPUD office

Economic Benefit Analysis

NTPUD Force Main Spill - NTPUD

Compliance Action	Capital Investment					One-Time Non-Depreciable Expenditure				Annual Cost			Non-Compliance Date	Compliance Date	Penalty Payment Date	Discount Rate	Benefit of Non-Compliance
	Amount	Basis	Date	Useful Life (years)	Delayed?	Amount	Basis	Date	Delayed?	Amount	Basis	Date					
Onsite meeting between operator and excavator (labor)	$ -	ECI	1/1/2015	15	Y	$ 217.00	ECI	10/4/2024	N	$ -	ECI	1/1/2015	7/18/2024	7/20/2024	1/1/2025	3.70%	$ 218.60
2	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
3	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
4	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
5	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
6	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
7	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
8	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
9	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
10	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
11	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
12	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
13	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
14	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -
15	$ -	ECI	1/1/2015	15	Y	$ -	ECI	1/1/2015	Y	$ -	ECI	1/1/2015	1/1/2015	1/1/2015	1/1/2025	3.30%	$ -

Income Tax Schedule: Municipality

USEPA BEN Model Version: Version 2024.0.0 (April 2024)

Analyst: Erin Mustain

Date/Time of Analysis: 10/10/24 12:57

Total Benefit: **$ 218.60**

Assumptions:

1. Assume meeting takes place at NTPUD office (no travel)
2. Assume Engineering and Operations engineer attends for NTPUD works a 40 hour work week
3. Assume meeting lasts no more than 2 hours

Reference:

Salary

https://govsalaries.com/salaries/CA/state-of-california/j/transportation-engineer

https://transparentcalifornia.com/salaries/north-tahoe-public-utility-district/

Maintenance Cost per Mile

https://www.caranddriver.com/shopping-advice/a32494027/ev-vs-gas-cheaper-to-own/

Miles per kilowatt

https://avt.inl.gov/sites/default/files/pdf/fsev/costs.pdf

Attachment B to Stipulated Order R6-2025-0020

North Tahoe Public Utility District – Secline Beach

Supplemental Environmental Project (SEP)

Project Title:

North Tahoe Public Utility District – Secline Beach Supplemental Environmental Project (SEP)

Project Location:

Secline Beach in Kings Beach, Placer County

Project Scope:

The Secline Beach Supplemental Environmental Project (SEP) will address environmental concerns and safety issues related to the lack of available public restrooms, proper waste disposal facilities, and a drinking water supply at Secline Beach. The SEP will be incorporated into the Secline Beach Enhancement Project, which is a multi-year (2024-2026) planning and design effort led by the North Tahoe Public Utility District (NTPUD and District) to address public recreation access upgrades, facility enhancements, and environmental improvements at Secline Beach.

The SEP will prevent pollution and improve public health by constructing permanent public restrooms and trash receptacles at Secline Beach. Currently, there are up to four portable toilets at the site throughout the year, which pose a risk to the environment. The portable toilets are susceptible to being knocked over and leaking, which poses an immediate threat to Lake Tahoe and its associated beneficial uses, including wildlife and the aquatic ecosystem. By constructing permanent public restrooms, which are connected to the District's sewer system, removing the portable toilets, and installing trash receptacles, the SEP will improve the management and safe disposal of wastewater and waste at the site and further the human right to sanitation.

The SEP will also improve public health by installing public drinking fountains at Secline Beach. Providing the public with access to the District's municipal water furthers the human right to water.

Additionally, stormwater runoff concerns will be addressed at the site by constructing drainage and Best Management Practices (BMP) improvements for sediment and erosion control. This will benefit surface and groundwater quality and enhance the overall condition of the Lake Tahoe ecosystem in the vicinity of Secline Beach.

The facility will be constructed on NTPUD-owned land at Assessor's Parcel Number (APN) 090-073-001 at the southern end of Secline Street. This site is located within, and will directly benefit, a disadvantaged community (DAC). Health and Safety Code section 116760.20(o) defines "severely disadvantaged community" as a community with a median household income of less than 60 percent of the statewide average.

According to the Disadvantaged Communities Mapping Tool (DAC Mapping Tool), Secline Beach is located in Census Tract 201.07, which meets the definition of a "severely disadvantage community" per the Health and Safety Code.

Organization Proposing the SEP:

North Tahoe Public Utility District
Care of: Bradley A Johnson, P.E., NTPUD General Manager
bjohnson@ntpud.org
(530) 546-4212

Project Readiness (e.g. California Environmental Quality Act (CEQA), permits, and landowner agreements):

The NTPUD owns the parcel where the SEP will take place. The NTPUD will manage CEQA documents, all permitting, and entitlements as required. The NTPUD is leading a multi-year planning and design project and managing all environmental documentation and permitting for identified improvements and enhancements to Secline Beach, of which the SEP is a part. The Kings Beach community members have requested investment and improvements at Secline Beach for many years, and in numerous public engagement processes.

Total Project Cost, SEP Amount, and Other Funding Sources:

The total project is estimated to cost $865,700. The SEP Amount in the amount of $845,000 will be used to complete the design, permitting, construction, and other associated costs for this SEP. The remaining expenditure will be funded by the NTPUD.

Of the total costs for this project, $95,000 are estimated for soft costs including design, permitting, administrative costs, and project management. The remaining $755,000 of the SEP funds will be applied towards construction costs and final improvements at the facility.

Project Schedule, Milestone, and Performance Standards:

Construction of the Secline Beach SEP must be completed within forty-eight (48) months of the Stipulated Order becoming effective per the timeline presented below. It is estimated that project design, CEQA analysis, permitting, and entitlements will be completed in 2027. Construction is expected to occur, and be completed, during the 2028 construction season. Project close-out and final reporting activities will follow by December 31, 2028. The only milestone for this project is the final completion of the project by December 31, 2028. To be deemed complete by the Lahontan Water Board, the project must have completed all construction as specified in this Order, have removed all portable toilets at the site, and the facilities must be open for use to the public.

Timeline for Project Completion	
2025	Develop improvement concepts and validate via public outreach and input sessions.
2026	Conceptual design, CEQA analysis, and entitlements of identified improvements.
2027	Final design, incorporation of CEQA findings, and permitting of the public restroom facilities and associated features.
January – April 2028	Competitive bidding and contract award for construction of public restrooms facilities and associated features.
May – October 2028	Construct public restroom facilities and associated features in accordance with the Tahoe Regional Planning Agency's and Lahontan Water Board's Lake Tahoe Construction General Permit's approved grading period.
November – December 2028	Project close-out and final reporting activities

Reporting:

Quarterly reports will be submitted to the Lahontan Water Board's Enforcement Coordinator (RB6enfproceed@waterboards.ca.gov). The first report will be submitted on November 1, 2025 and will cover the period of July 1 – September 30, 2025. Reports will be submitted in accordance with the schedule below:

Reporting Period	Report Submittal Date
January – March	May 1
April - June	August 1
July - September	November 1
October – December	February 1

The Quarterly reports will include a list of all activities completed during the quarter, an accounting of funds expended, the proposed work for the following quarter, whether the SEP is compliant with milestone/deadline, and if not, the cause for delay and anticipated date of compliance.

Nexus Between the Violations and the Project:

The violations alleged in the Settlement Agreement and Stipulated Order are for the discharge of 85,000-gallons of raw sewage to Lake Tahoe. Secline Beach is approximately four miles east along the Lake Tahoe shoreline from where the alleged violations occurred and this project will benefit Lake Tahoe, which is the water body adversely impacted by the discharge. Potential impacts to beneficial uses resulting from

the discharge may be ameliorated by the project, which aims to prevent the same pollutant from entering Lake Tahoe.

Expected Benefits or Improvements to Water Quality or Beneficial Uses:

This project will address environmental and public health concerns at Secline Beach. The installation of public restrooms, drinking fountains, and permanent trash receptacles will reduce improper waste disposal and prevent contaminants, including raw sewage, from entering Lake Tahoe and releasing into the environment. Additionally, these improvements further the human right to water and sanitation by making clean drinking water and modern wastewater facilities readily available to the public.

Beach and restroom access improvements will also address stormwater runoff concerns and erosion issues at the site, benefiting surface and groundwater quality and enhancing the overall condition of the Lake Tahoe ecosystem. The project is expected to improve water quality by allowing storm water to spread out, infiltrate, and reduce sediment and nutrients, thus improving quality of the storm water that enters Lake Tahoe. This will help meet the sediment and nutrient reductions mandated by the Lake Tahoe Total Maximum Daily Load (TMDL) program.

Director of the Office of Enforcement's Findings of Exceptional Environmental Benefit for the California Department of Transportation and North Tahoe Public Utility Districts' Proposed Supplemental Environmental Project with a 48-Month Project Schedule

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted a revised *Policy on Supplemental Environmental Projects* (SEP Policy) on December 5, 2017, and it became effective on May 3, 2018. The SEP Policy authorizes the State Water Board and nine Regional Water Quality Control Boards (collectively, Water Boards) to allow dischargers to satisfy part of any monetary assessment imposed through administrative civil liability orders arising out of settlements by completing or funding one or more supplemental environmental projects (SEP).

2. The California Department of Transportation (Caltrans), the North Tahoe Public Utilities District (NTPUD) and the California Regional Water Quality Control Board, Lahontan Region (Regional Water Board) Prosecution Team are finalizing a proposed stipulated administrative civil liability order (Stipulated Order) to resolve alleged violations related to the unauthorized discharge of 85,000 gallons of raw sewage on July 18, 2024, to Lake Tahoe.

3. The Stipulated Order includes a proposed SEP whereby Caltrans and NTPUD would fund the Secline Beach Permanent Restroom Facilities Supplemental Environmental Project (Proposed SEP), which will be incorporated into the greater Secline Beach Enhancement Project. The Proposed SEP is a project to construct permanent public restroom and drinking water facilities connected to the NTPUD's municipal water and sewer systems, thus improving the management and safe disposal of wastewater at the site and providing access to safe drinking water.

4. The Proposed SEP is expected to occur over 48 months and covers planning and design, environmental documentation and permit acquisition, bidding and award of contract, and construction.

5. The project location is in close proximity to where the alleged violations occurred. This area is within a disadvantaged community (DAC). According to the Disadvantaged Communities Mapping Tool (DAC Mapping Tool), the Census Tract 201.07 in which Kings Beach, California is located meets the definition

severely disadvantaged community per Health and Safety Code section 116760.20(n). The suspension of greater than 50% of the administrative civil liabilities pending completion of the SEP is permissible per the blanket approval established in the *OE Director's approval of DAC/EJ SEPs greater than 50% of the total monetary liability* memo dated April 30, 2021 (revised August 8, 2023).

6. SEP Policy section A states:

   "In some cases, strict application of every requirement of this Policy may not be appropriate. In such cases, the [OE Director] … may approve an alternative or modified approach, so long as it substantially complies with the Policy."

7. SEP Policy section VIII.B states:

   "All SEP funds must be expended on the SEP specifically defined in the stipulated order within 36 months of the order's adoption, unless the Executive Officer or Deputy Director of the appropriate Water Board grants an extension for good cause shown as to why the project has been delayed… The [OE Director] may approve a project implementation schedule memorialized in a stipulated order allowing for SEP completion within 48 months based on a finding that the SEP provides an exceptional environmental benefit."

8. The Regional Water Board Prosecution Team has notified the OE Director of the Proposed SEP and has requested approval of the 48-month project implementation schedule based on a finding that the Proposed SEP provides an exceptional environmental benefit.

THEREFORE; I have considered the Proposed SEP and comments submitted by the Regional Water Board Prosecution Team, and hereby make the following findings:

1. The Proposed SEP substantially complies with the SEP Policy because:
   a. The Proposed SEP goes above and beyond the otherwise applicable obligations of Caltrans and NTPUD;
   b. Neither Caltrans and NTPUD nor a third party is legally required to fund or implement any aspect of the Proposed SEP;
   c. The Proposed SEP will be implemented in close proximity to where the violations occurred;

d. Caltrans and NTPUD will retain full responsibility to ensure satisfactory completion of the Proposed SEP;

e. The Proposed SEP is a discrete action with tangible water-related environmental benefits;

f. Allowing 48 months for completion of the Proposed SEP is reasonable given the limited construction season in the area, the scale of the project, the need for considerable planning and permitting before construction can begin, and desire to minimize disruption to the individuals in the DAC that access the beach for recreational activities; and,

2. The Proposed SEP has an exceptional environmental benefit. The ability to provide permanent waste disposal facilities and access to safe drinking water is a rare and important opportunity that will provide significant water quality benefits to the local watershed and the DAC in which the watershed is located. The completion of the Proposed SEP is expected to result in the improved and long-term management of safe disposal of wastewater at the public beach. The Proposed SEP is also expected to improve stormwater runoff, and erosion control as construction of the restroom will include site improvements for stormwater enhancement and permanent best management practices across the parcel. The Proposed SEP is expected to protect the water quality of Lake Tahoe that, in turn, can support designated beneficial uses. Pollutant loads will be reduced in surface waters, and further the human right to drinking water and sanitation.

3. The Proposed SEP is consistent with and furthers the Regional Water Board's policies and objectives for SEPs.

Based on the foregoing findings, the Regional Water Board Prosecution Team's request to allow the Proposed SEP to be completed within 48 months is hereby; **GRANTED**.

Yvonne West Digitally signed by Yvonne West Date: 2025.06.05 08:59:57 -07'00'

By: _____ Date: _____