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February 1, 2025

Barton Healthcare System  
2170 South Ave  
South Lake Tahoe CA 96150

SENT VIA EMAIL TO: [rbelli@bartonhealth.org](mailto:rbelli@bartonhealth.org), [Robert.Anderson@Wilson-Engineers.com](mailto:Robert.Anderson@Wilson-Engineers.com)

**CEASE AND DESIST, FAILURE OF REQUIRED BMPS RESULTING IN DISCHARGE OF SEDIMENT, 168 US HIGHWAY 50, STATELINE, NEVADA, ASSESSOR PARCEL NUMBER (APN) 1318-22-002-114, 1318-22-002-115, 1318-22-002-116, and 1318-22-002-117, TRPA FILE NUMBER ERSP2024-0572.**

Dear Barton Healthcare System and representatives,

The Tahoe Regional Planning Agency (TRPA) inspected the subject property on December 24, 2024, January 7, 2025, January 9, 2025, and February 1, 2025, and found the following violations of TRPA Code and/or permit conditions:

1. TRPA Code Section 33.3.1.D.1.a: Temporary erosion controls shall be installed. *Temporary erosion controls are not installed, and areas where these have been installed are not installed properly or functioning correctly, resulting in a discharge from the site.*
2. TRPA Code Section 33.3.1.D.1.c: Disturbed areas shall be stabilized. *All areas which have been disturbed have not been stabilized, resulting in a discharge from the site.*
3. TRPA Code Section 33.3.2.B: Indirect discharges to the waters of the region of solid or liquid waste materials, including soil, silt, clay, sand, or other organic or earthen materials, are prohibited unless controlled by discharge devices approved by TRPA. *Indirect discharge to the waters of Lake Tahoe occurred from inadequate temporary BMPs and from the site not being properly stabilized.*
4. TRPA Code Section 60.4.3.A: Temporary BMPs in accordance with the Handbook of Best Management Practices, and as required in Section 33.5, shall be implemented on construction sites and maintained throughout the construction period until winterization and permanent BMPs are in place. *Temporary BMPs have not been maintained and/or have not been installed.*

TRPA staff met with R.O. Anderson representatives in September 2024 and expressed concerns with winterization and stabilization on the site. TRPA asked for a plan to infiltrate more water into the large existing basin and received pushback. No additional steps were taken and no plan was submitted. After multiple BMP failures, TRPA staff met again with R.O. Anderson and Barton representatives on January 15, 2025, where Barton committed to installing additional BMPs

over the next 10 days to prevent additional discharge following the BMP failures during the December and January events. The plan was not submitted to TRPA until Tuesday, January 28, 2025, 13 days after the meeting. The late submittal did not allow enough time to implement the plan, resulting in additional discharge of sediment on January 31, 2025, and February 1, 2025.

The following corrections and measures toward compliance shall be completed or additional enforcement actions will be taken:

- A. **CEASE AND DESIST ALL SEDIMENT DISCHARGE AND INSTALL EFFECTIVE TEMPORARY BMPS IMMEDIATELY.**
- B. **Submit a schedule by Monday, February 3, 2025, to complete the additional BMPs approved on January 29, 2025. The additional BMPs shall be engineered to capture all water from leaving the property for the required storm events.**

The above-required actions shall be completed and complied with in accordance with the above timelines. Failure to comply shall result in further compliance action.

You are advised that Article VI (I) of the Tahoe Regional Planning Compact provides that:

*Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day in which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.*

Thank you for your cooperation. Should you have questions please contact me at (775) 588-4547 extension 250.

Sincerely,



Steve Sweet  
Code Compliance Manager