TAHOE REGIONAL PLANNING AGENCY

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Contact
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www.trpa.org

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Tahoe City Public Utilities Sewer Line Repair Permit, 3328 & 3320 Edgewater Drive, Placer County, APNs 093-094-041, -0042; TRPA File No. ERSP2019-0514; TRPA Appeal File No. ADMIN2020-0001

Requested Action:
To consider and act upon an appeal filed by Joshua Floum and Margaret O'Donnell ("Floum/O'Donnell") of a Hearings Officer-issued permit to the Tahoe City Public Utilities District ("TCPUD") to repair and replace a portion of sewer line lakeward of their property.

Staff Recommendation:
Staff recommends that the Governing Board deny the appeal and affirm the decision of the Hearings Officer to issue the repair permit as it meets all requirements by the TRPA Code of Ordinances.

Motion:

1. A motion to grant the appeal, which motion should fail to affirm the Hearings Officer's determination.

In order to deny the appeal, the Governing Board should vote "no." The motion to grant the appeal will fail unless it receives five affirmative votes from California and nine overall.

Background:
TCPUD owns and operates a sewer collection pipeline that runs offshore of lakefront parcels in the Dollar Point subdivision, including in front of a lakefront parcel owned by Floum/O'Donnell. Significant wave action from winter 2019 storms exposed a buried sewer collector pipe and loosened joints to pose an immediate threat of significant discharge to Lake Tahoe (some discharge did occur). On January 31, 2019, TRPA staff received an application from TCPUD to perform emergency repairs on an in-lake sewer line offshore of the Dollar Hill Subdivision, in particular lakeward of the Floum/O'Donnell parcel. (TCPUD holds a utility easement for the pipeline where it crosses the Floum/O'Donnell parcel.) On February 6, 2019, TRPA issued TCPUD an emergency permit to repair the affected section by replacing and reburying the loosened pipe pieces. As a condition of the emergency permit, TRPA required TCPUD to apply for an after-the-fact permit.

TCPUD performed the repair work beginning January 30, 2019 and lasting until March 15, 2019. On April 2, 2019, TCPUD applied to TRPA for an after-the-fact permit to retroactively authorize the emergency repair and to authorize additional repairs to the sewer line, which has not yet occurred and is not

relevant to this appeal. The project required an after-the-fact approval from the TRPA Hearings Officer. Notification for the Hearings Officer meeting for both the emergency repair and the proposed repair was sent to neighbors within a 300-foot radius of the project area on December 5, 2019. The appellants were included in this notification and appeared at the hearing through a representative. The Hearings Officer issued the after-the-fact permit on December 19, 2019. See Attachment A.

After TCPUD conducted the repairs, storm related wave action partly uncovered portions of the replaced pipe offshore of the Floum/O'Donnell parcel. Unhappy with that condition and TCPUD/TRPA response to their complaints, Floum/O'Donnell timely appealed the after-the-fact permit. On February 7, 2020, Floum/O'Donnell submitted their Statement of Appeal (Attachment B hereto). Floum/O'Donnell contend TRPA improperly issued the after-the-fact permit because (1) TCPUD lacked the necessary interest in the underlying parcel to be an applicant for the repair work, (2) present condition of the partially unburied pipe violates scenic regulations and presents an unacceptable risk of damage and subsequent sewer discharge, (3) relevant facts were misstated or omitted, (4) project findings regarding size of the pipe, special use, and shorezone were not supported, and finally, (5) TCPUD's actions constituted a trespass, nuisance, or taking. On March 18, 2020, TCPUD submitted a Response to Statement of Appeal, appended as Attachment C hereto, contesting certain factual allegations and addressing Floum/O'Donnell's arguments. Recently, Floum/O'Donnell filed a reply, Attachment D, to TCPUD's response, arguing (1) that the agencies' permits presupposed or required TCPUD to refill and cover the trench to mimic the pre-repair condition, and (2) TCPUD should repair the backshore slope allegedly damaged by TCPUD's pipeline repair work.

Discussion:

1. TCPUD's Utility Easement Provides the Necessary Property Interest

Floum/O'Donnell contend that TRPA should not have issued the emergency repair permit because TCPUD is not the underlying landowner. Statement of Appeal at 4. While TCPUD does not own the underlying fee parcel, its ownership of a utility easement provides it with sufficient interest to make the necessary application to repair the sewer line. See TCPUD's Response to Appeal at 2. TRPA has consistently accepted such an interest as adequate to allow utility work around the basin without the underlying fee owner's consent to the application.

2. Current Status of Pipeline Provides No Grounds to Overturn Permit

Next, Floum/O'Donnell argue that the permit should be overturned because some of the repair pipeline became visible from their property after TCPUD conducted the repairs including completely burying of the pipeline. Statement of Appeal at 4-5. The permit, however, authorized backfilling the replaced pipeline, it did not authorize the subsequent exposure as a result of wave action and erosion. See TCPUD Response to Appeal at 3. Thus, TRPA's permit was properly issued. TRPA and TCPUD have been working collaboratively to resolve the current status of the pipeline without causing additional soil discharge to Lake Tahoe.

3. TRPA Did Not Rely on Any Erroneous Facts

Floum/O'Donnell assert that TRPA's staff report contains misstated or omitted facts, including whether a storm caused the initial pipe failure, whether TRPA "recognized" them as the owners of the property, and whether TRPA ignored the scenic impacts of the exposed portion of the pipeline. Statement of Appeal at 5-7. None of these contentions are relevant to a challenge to issuance of the permit. For

example, the permit's authorization to repair the pipeline and rebury it is not tied to any particular cause of the initial failure. Second, as discussed above, TRPA disagrees with Floum/O'Donnell that their ownership of the underlying parcel was relevant to the issuance of the permit to TCPUD – TRPA did provide Floum/O'Donnell notice of consideration of the after-the fact permit. Third, as discussed above, the permit did not authorize TCPUD to leave the pipeline exposed. Therefore, TRPA did not ignore the scenic impacts of the exposed pipeline.

4. TRPA's Findings were Supported by Substantial Evidence

Floum/O'Donnell next argue that the current condition of the partially exposed pipeline renders invalid TRPA's permit findings. Statement of Appeal at 7-8. TRPA's permit, as explained above and as Appellants themselves admit, did not authorize an exposed pipeline, and therefore did not make any findings based on that condition. See Statement of Appeal at 8. Floum/O'Donnell thus do not challenge the permit as issued but rather assert that implementation was somehow insufficient as subsequent storm events exposed portions of the pipeline and provide no grounds to overturn the original authorization.

5. TRPA's Permit Does Not Cause a Trespass, Nuisance, or Takings

Finally, Floum/O'Donnell contend the exposed pipeline constitutes a violation of TCPUD's utility easement and therefore results in a trespass, nuisance, and taking of their property. Statement of Appeal at 8. TRPA will not opine on whether the current condition of the sewer line violates TCPUD's obligations under the easement. TRPA's permit, however, did not authorize the pipeline to be visible, therefore, TRPA did not cause any of the alleged violations, if they in fact exist, and therefore no grounds exist to annul the permit for work that has already been completed.

Conclusion:
Floum/O'Donnell present no grounds to overturn the after-the-fact permit TRPA issued to TCPUD to conduct the emergency repair. TRPA will continue to work with TCPUD and Floum/O'Donnell to explore options to resolve the current conditions of the pipeline consistent with TRPA's code. Staff therefore recommends that the Governing Board deny the appeal.

Contact Information:
For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.org, or Tiffany Good, Principal Planner, at (775) 589-5283 or tgood@trpa.org.

Attachments:
A. December 19, 2019 TCPUD Emergency Sewer Repair Permit #ERSP2019-0514 and Hearings Officer Staff Report
B. February 7, 2020 Floum/O'Donnell Statement of Appeal and Attachments
C. March 18, 2020, TCPUD Response to Statement of Appeal and Attachments
D. August 14, 2020 Floum/O'Donnell Reply to TCPUD Response

Attachment A

December 19, 2019 TCPUD Emergency Sewer Repair Permit #ERSP2019-0514 and Hearings Officer Staff Report

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December 19, 2019

Lydia Altick
Auerbach Engineering
P.O. Box 5399
Tahoe City, CA 96145

TCPUD EMERGENCY SEWER REPAIR, 3328 & 3320 EDGEWATER DRIVE, PLACER COUNTY, CA, ASSESSOR'S PARCEL NUMBER (APN) 530-301-00 , TRPA FILE # ERSP2019-0514

Dear Applicant:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the Permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit approval may be appealed within twenty-one (21) days of the date of this correspondence, (January 9, 2020).

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Tiffany Good

Tiffany Good
Principal Planner
Planning Department

Cc: Tahoe City Public Utility District
P.O. Box 5249
Tahoe City, CA 96145

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Conditional Permit

PROJECT DESCRIPTION: Maintenance Dredging for Emergency Repair — APN: 093-094-041 & -042 (530-301-00)

PERMITTEE: Tahoe City Public Utility District — FILE #: ERSP2019-0514

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **December 19th, 2019**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **December 19th, 2022**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of beginning the dredging activity and does not include installation of temporary BMPs. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;

(3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND

(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

J Marshood ______________________ 12/19/19 ______________

TRPA Executive Director/Designee — Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)__________________________ Date______________________

(PERMIT CONTINUED ON NEXT PAGE)

APNs 093-094-041 & 093-094-042 (530-301-00)
FILE NO. ERSP2019-0514

Security Posted (1): Amount $ 10,000 Type _____ Paid _____ Receipt No._____

Security Administrative Fee (3): Amount $ 200 Paid _____ Receipt No._____

Notes:
(1) See Special Condition 3 E., below.
(2) $200

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_____ _____
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit retroactively authorizes a dredging operation to address a ruptured Tahoe City Public Utility District (TCPUD) sewer main located lakeward of the single family residences located at 3328 and 3320 Edgewater Drive. Approximately 78 feet of pipe was impacted. Specifically, TRPA approved dredging to initially stabilize the sewer pipe and prevent further sewer discharge into the lake during February and March of 2019. Immediate work to remediate the dislodged pipe included stabilizing the area of work with a turbidity curtain, constructing a 6-inch diameter vacuum suction line to connect the TCPUD vactor truck to vacuum bypassing flow from the sewer manhole. Approximately nine cubic yards of lake bottom were dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Materials from the excavation were placed parallel and adjacent to the trench between the shoreline and the trench. Pipe support pilings were driven to a depth of four feet to provide adequate support to the repair design. TRPA approved the removal of the turbidity curtain and the placement of 20 feet of sheet piling around the sewer manhole due to continuing storm events and rising lake levels during the course of repair work. The sheet pile wall was damaged due to prolonged storm events and removed, and ten large boulders were brought into the site to dissipate the ongoing wave energy.

   Once the weather stabilized, the turbidity curtain was re-established, the trench line re-dredged, and ten pipe support piles were driven to an approximate depth of four feet. The replacement pipe was connected and sealed, placed in position, and attached to the pipe support piles. The project is located at an approximate lake bottom elevation of 6,224. Construction methods for the emergency repair utilized aquatic equipment which included a LARK amphibious vehicle, a barge, and an excavator positioned on the barge. No construction staging occurred in the backshore.

   A similar methodology will be used to replace an adjoining 60 feet of 8-inch diameter ductile iron sewer pipe west (downstream) of the emergency repair. As part of this proposed project,

divers will secure seven steel pile anchors; and secure three manta ray anchors to the pipe to prevent the possibility of another breakage. This portion of the project proposes to use the same construction methodology as the emergency repair. Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off-site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

No new land coverage shall be created nor is any approved as a result of this permit. No modification or expansion of any Shorezone structure or additional disturbance outside of the scope of this permit is approved. Any change to the dredging work may require further review and approval by TRPA.

2. The standard conditions of approval listed in Attachment S shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

   A. The permittee shall revise the site plan to include:

      (1) Indicate the limits of all construction-related activities including; dredging footprint, amount to be dredged, where dredged spoils will be stored during the project, and the limits for where the LARK and the barge will access and stage. Where appropriate, indicate the locations for installation of temporary turbidity curtains, temporary sheet pile wall, or boulders for the use of wave dissipation similar to the methodology employed for the emergency repair.

      (2) Notes indicating where the dredged material will be temporarily stored during pipe repair/replacement, and that the dredged material will be placed in the original location once pipe repair/replacement has been completed.

      (3) The location of all temporary BMPs, including erosion control and vegetation protection fencing surrounding any and all materials stockpiles, construction staging area, and construction access points (where applicable).

      (4) A note indicating: "All areas disturbed by dredging (including truck and equipment staging, truck loading, etc.), activity shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."

      (5) The site plan shall indicate the limits of dredging, including the maximum depth of dredging (excluding the pile driving), the outer limits of dredging, and total cubic volume to be disturbed.

   B. The permittee shall submit a projected dredging completion schedule to TRPA prior to acknowledgment for dredging that will occur as part of the repair/replacement of 60-feet of sewer pipe not associated with the emergency work completed in early 2019. Said schedule shall include but not be limited to completion dates for each item of the following: installation of all temporary erosion control structures and turbidity screens; the date on which dredging will commence; when dredged material will be removed;

when the dredging activity will be concluded with all activity demonstrating completion outside of the spawning season, which is May 1 through September 30. Prior to the proposed dredging operation, the applicant shall schedule a TRPA pre-grade inspection.

C. A water quality monitoring plan shall be submitted to TRPA for review and approval prior to commencing dredging operations as well as daily during dredging operations. Suspended material in excess of **10** NTUs shall not be permitted to enter the water of Lake Tahoe. If the test results indicate suspended material in excess of **10** NTUs, all dredging related activities shall cease. Dredging activity may only resume upon approval by TRPA Compliance Inspector.

The monitoring program shall, at a minimum, consist of the following:

(1) Pre-dredged substrate analysis: This analysis shall consist of soil samples that shall include, but not be limited to, turbidity.

Constituents	Maximum Concentrations
Turbidity	10 NTU
TPH	1.0mg/L

If TPH is identified in the pre-dredging substrate analysis and they exceed the limits allowed, all dredging material shall be removed and permanently disposed of at a hazardous waste facility approved by TRPA. The permittee shall provide written documentation to TRPA indicating that the dredging material has been received by the approved facility.

(2) Dredging Monitoring: Monitoring shall consist of water turbidity samples taken three times daily, between 8:00 a.m. and 10:00 a.m., between 12:00 p.m. and 2:00 p.m., and between 3:00 p.m. and 5:00 p.m. Samples shall be taken from locations marked on the TRPA approved site plan. One sample shall be taken at the outside edge of the turbidity curtain, within ten (10) feet of the curtain, while the others taken at a reasonable distance outside the curtain and downwind, if appropriate, approximately 50 feet. Samples shall be collected both at the surface and near the bottom of Lake Tahoe. A total of six samples shall be collected per day for this monitoring requirement. Additional samples may be required from the permittee, at the TRPA Compliance Inspector's discretion. The constituents to be tested for are:

Constituents	Maximum Concentrations
Turbidity	10 NTU

A daily log of the samples taken, location, and time shall be kept on site. A qualified person approved by TRPA shall take all samples. Samples shall be analyzed through an engineering or accredited lab approved by TRPA. These samples shall be taken in conformance with Standard Methods, For the Examination of Water and Wastewaters, 1989, 17th Edition. The analytical method used shall be appropriate to measure concentrations at the above levels. The permittee shall be required to submit lab results every two weeks to TRPA. As part of the pre-dredging conditions of approval, the permittee will be

required to submit a written description of the sampling methodology for TRPA review and approval. The sampling shall take place when the dredging occurs and continue until turbidity landward of the turbidity curtains measures less than **3 NTU** and a TRPA compliance inspector has approved a stop to sampling.

(3) Nutrient Sampling: This analysis shall consist of nutrient samples taken daily. These samples shall be collected at the discretion of the TRPA Compliance Inspector, and at 50 percent project completion, and if the turbidity readings taken at 10 feet outside the curtain exceed 10 NTU. The constituents to be tested are:

Constituents	Maximum Concentrations
Total Nitrogen as N	0.5 mg/l
Total Phosphorus as P	0.1 mg/l
Total Iron	0.5 mg/l
Turbidity	10 NTU

If the results of the turbidity sampling exceed 10 NTUs, the permittee is required to submit the nutrient sampling data to the TRPA Compliance Inspector within 24 hours.

D. The permittee shall submit a discharge mitigation plan detailing the methodology for mitigating a discharge of more than 10 NTUs(outside of the turbidity curtain) at any point of the dredging operation or in the event that sediment does not settle inside the turbidity curtains within 30 calendar days of the last day of dredging.

E. The security required in accordance with Section 5.9 of the TRPA Code of Ordinances required under Standard Condition A.3 of the Attachment S shall be $10,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. The Permittee shall pay an additional inspection fee for review of the water quality monitoring plan (Special Condition 3.C.). The Permittee will request an 'other' inspection at www.trpa.org and pay the inspection fee. Reports and photos should be emailed directly to the TRPA Inspector. Review of the water quality monitoring plan may include field inspections and administrative costs related to monitoring and may be charge multiple times throughout the dredging operation.

G. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of any TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply

with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. This permit is for a single dredging operation. This permit shall expire upon completion of the dredging. Completion of the dredging shall be defined as dredged material placed back over the repaired pipe and turbidity levels returned to background measurements (pre-dredging sampling numbers) or less than 10 NTUs, whichever is less.

6. Dredging shall be the minimum necessary to expose and remove the pipe to be repaired and/or replaced.

7. This project may be subject to the permitting requirements from other local, state, or federal agencies with jurisdiction over the proposed project, including but not limited to the U.S. Army Corps of Engineers, California State Lands Commission, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, and Placer County.

8. Any and all temporary sand/material stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.

9. Any and all unused excavated material shall be hauled away from the site to a TRPA approved location. No fills or re-contouring shall be allowed outside of the dredging operations.

10. All employee temporary work vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.

11. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.

12. No container of fuel, paint, or other hazardous materials may be stored in the backshore area.

13. The use of any wood preservatives or tributyltins is strictly prohibited.

14. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the waters of the Lake Tahoe Basin is prohibited. Any surplus dredging waste materials shall be removed from the project and deposited in a TRPA approved sites.

15. Disturbance to lakebed materials shall be kept to the minimum necessary. The removal of rock material from Lake Tahoe is prohibited.

16. Gravel, cobble, or small boulders shall not be disturbed or removed outside the dredging limits of this

project.

17. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

18. Any normal dredging activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

END OF PERMIT

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STAFF REPORT

Date: December 12, 2019

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Dredging for Emergency/Maintenance Sewer Repair, 3328 & 3320 Edgewater Road, Placer County, California; Assessor's Parcel No: 093-094-041 & 093-094-042 (APN Associated with project 530-301-00); TRPA File No: ERSP2019-0514

Requested Action:
Hearings Officer action on the proposed project, and related findings based on this Staff Summary and the Draft Permit (Attachment B).

Staff Recommendation:
Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit. A portion of the work described in this staff summary was the result of an emergency approval granted by TRPA staff and has already been completed. Staff granted emergency approval based on the threat to water quality and public health and safety posed by a Tahoe City Public Utility District (TCPUD) sewer main which became dislodged within Lake Tahoe. TRPA reserves the right to review work done as a result of an emergency approval and mitigate against unforeseen impacts as needed as a part of the normal permit process. The project was completed in compliance with all of the conditions that are described in the post-completion permit.

Project Description:
A gravity sewer main became dislodged during the winter of 2019. Excessive wave action and the high water conditions during the winter of 2019 contributed to significant erosion, scouring and impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged from the existing coupling connections. Water quality data after the initial event indicate that raw sewage was filtering into Lake Tahoe from the 17 homes located upstream of the spill site.

The work described below was to initially stabilize the site and prevent further sewer discharge into the lake. Immediate work to remediate the dislodged pipe included stabilizing the area of work with a turbidity curtain, constructing a 6-inch diameter vacuum suction line to connect the TCPUD vactor truck to vacuum bypassing flow from the sewer manhole. Approximately nine cubic yards of lake bottom were dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Material from the excavation were placed parallel and adjacent to the trench between the shoreline and the trench. Pipe support pilings were driven to a depth of four feet to provide adequate support to the repair design. TRPA approved the removal of the turbidity curtain and the placement of 20 feet of sheet piling around the sewer manhole due to continuing storm events and rising lake levels during the course

of repair work. The sheet pile wall was damaged due to prolonged storm events and removed, and ten large boulders were brought into the site to dissipate the ongoing wave energy.

Once the weather stabilized, the turbidity curtain was re-established, the trench line re-dredged, and ten pipe support piles were driven to an approximate depth of four feet. The replacement pipe was connected and sealed, placed in position, and attached to the pipe support piles. The project is located between lake bottom elevations 6,220 and 6,224. Construction methods for the emergency repair utilized aquatic equipment which included a LARK amphibious vehicle, a barge, and an excavator positioned on the barge. No construction staging occurred in the backshore.

A similar methodology will be used to replace an adjoining 60 feet of 8-inch diameter ductile iron sewer pipe west (downstream) of the emergency repair. As part of this proposed project, divers will secure seven steel pile anchors; and secure three manta ray anchors to the pipe to prevent the possibility of another breakage. This portion of the project proposes to use the same construction methodology as the emergency repair. Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off-site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

Site Description:
The location of the sewer pipe repair is along the shoreline of the Dollar Point community in Tahoe City, California. The area of work began in the shorezone lakeward of the residence located 3328 Edgewater Drive (APN 093-094-041) and extended west to the shorezone lakeward of 3320 Edgewater Drive (APN 093-094-042). The properties immediately landward of the area of pipe repair are private parcels with single family dwellings. There are 17 homes in the Dollar Point area served by the sewer pipe. TCPUD owns a parcel with lake access/boat ramp to the east (APN 093-094-014); otherwise the surrounding properties in the immediate vicinity are primarily private parcels with single-family dwellings. The project site is located within the Tahoe Basin Area Plan, Dollar Point Subdistrict. Pipelines and transmission lines are allowed, special use.

A geotechnical investigation conducted by NV5 as part of the emergency repair project recognized beach deposits consisting of very dense fine to course grained sand.

Issues:
The primary issues associated with the project are:

1. Land Use: The proposed project is located within the Dollar Point Subdistrict of the Tahoe Basin Area Plan. Local public health and safety facilities are an allowed, special use anywhere landward of the High Water Line. However, this project is located in the shorezone in Tolerance District 4 where public health and safety facilities are not listed as an allowed primary use. This means that the existing facility is non-conforming and may only be repaired and maintained. The approval of this project requires Special Use findings and Hearings Officer review and approval per subparagraph 2.2.2.F.2.a of the TRPA Code of Ordinances.

2. Scenic Quality and Landscaping: This parcel and project area is visible from Scenic Shoreline Unit 16 – Lake Forest, which is not in attainment with scenic thresholds. This parcel and project area is also visible from Scenic Roadway Unit 16 – Lake Forest, which is in attainment with scenic thresholds. Large rocks and boulders were brought in and placed within the lake to stabilize the area and protect it from wave action during the emergency repair work. These rocks and

boulders have since been removed, upon completion of the emergency repair. Other than this temporary impact, no other scenic impacts resulted from the project. The same methodology will be used for the proposed portion of repair work.

3. Littoral Drift Impacts: The work occurred in the lakezone between lake bottom elevations 6,220 and 6,224. Per an Environmental Assessment for the replacement of the Lake Forest Boat Ramp and Maintenance Dredging (TRPA file number ERSP2013-0845), the substrate in this vicinity is primarily made up of sand and silt. The primary transport mechanism that moves materials within the littoral zone is wave activity driven by predominantly southwesterly winds which results in a dominant offshore-onshore movement of materials. The substrate make-up and the wave action at this part of the lake contributed to the compromise of the existing sewer pipe. The proposed project will have no significant impact on the transport of materials within the littoral zone.

Staff Analysis:

A. Environmental Documentation:
The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No unmitigated significant environmental impacts were identified, and staff has concluded that the project will not have a significant adverse effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at the TRPA Offices.

B. Land Use:
The proposed project is located within the Dollar Point Subdistrict of the Tahoe Basin Area Plan. The surrounding land uses are primarily private, littoral parcels with single family dwellings. TCPUD owns and maintains control over a nearby site (APN 093-094-014) containing a public access boat ramp.

C. Plan Area Statement:
The project is located in the Dollar Point Subdistrict of the Tahoe Basin Area Plan. Local public health and safety facilities are an allowed, special use anywhere landward of the High Water Line. However, this project is located in the shorezone in Tolerance District 4 where public health and safety facilities are not listed as an allowed primary use. This means that the existing facility is non-conforming and may only be repaired and maintained. The approval of this project requires Special Use findings and Hearings Officer review and approval per subparagraph 2.2.2.F.2.a of the TRPA Code of Ordinances.

D. Shorezone Tolerance District:
The subject parcel is located in Shorezone Tolerance District 4. Tolerance District 4 is characterized as volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stony, sandy loams lie on 15 to 30 percent slopes; on moranic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems. This Tolerance District requires that projects install and maintain vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion, and

that projects will not likely require mechanical stabilization or that the project will not accelerate cliff crumbling, beach loss, or erosion.

E. Construction Access:
Construction access for both the emergency repair and the adjacent repair project utilized aquatic equipment which included a LARK, barge, and an excavator positioned on a barge. No construction staging or access occurred in or from the backshore. Temporary BMPs will be implemented to delineate the construction access and staging areas.

F. Scenic Quality and Landscaping:
This parcel and project area is visible from Scenic Shoreline Unit 16 – Lake Forest, which is not in attainment with scenic thresholds. This parcel and project area is also visible from Scenic Roadway Unit 16 – Lake Forest, which is in attainment with scenic thresholds. Large rocks and boulders were brought in and placed within the lake to stabilize the area and protect it from wave action during the emergency repair work. These rocks and boulders have since been removed, upon completion of the emergency repair. Other than this temporary impact, no other scenic impacts resulted from the project. The same methodology will be used for the proposed portion of repair work.

Required Actions:

Staff recommends that the Hearings Officer:

1) Approve the findings contained in this staff summary and a mitigated finding of no significant environmental effect.

2) Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft Permit.

Attachments:
A. Required Findings
B. Draft Permit
C. Proposed Site Plan
D. Initial Environmental Checklist (IEC)

Attachment A

Required Findings

Required Findings:
The following is a list of the required findings as set forth in Chapters 4, 21, 80, 81, 84, and 85 of the TRPA Code. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, or Implementation sub-elements of the Regional Plan. This project is intended to promote environmental improvements to water quality and to improve scenic elements of the site. The project as conditioned conforms with, and will promote implementation of, all applicable elements of the Regional Plan.

   (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

   TRPA staff has completed the "Project Review Conformance Checklist and Article V (g) Findings" in accordance with Section 4.4.2 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (IEC). No unmitigated significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

   (c) Wherever federal, state, or local air and water quality standards apply for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V (d) of the TPRA Compact.

   The project as conditioned, will comply with all applicable air and water quality standards for the region. The emergency repair project was necessary due to a failed sewer connection and was addressed immediately to mitigate against additional impacts to water quality. The proposed repair project will be done to prevent a potential failure and impact to water quality.

2. Chapters 21 and 81 – Special Use Findings.

   (a) The project, and the related use, is of such a nature, scale, density, intensity and type to be appropriate for the project area, and the surrounding area.

   Based on the analysis contained in the administrative record and the IEC, the proposed project is an appropriate use for the project area. The sewer line is not listed as an

allowed use in the shorezone; however the sewer line serves 17 private upland residences and therefore serves as a related use of appropriate nature, scale, density, and intensity to be appropriate for the project area. No increase in capacity is proposed as a part of either the emergency or proposed repair.

(b) The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.

The emergency repair was necessary to protect the health, safety, environmental quality, enjoyment of the property, and general welfare of the residents of the neighborhood. The proposed repair will achieve the same objective; protecting water quality and public health and safety by repairing the aging infrastructure.

(c) The project, and the related use, will not change the character of the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

The emergency repair and the proposed repair will be done on existing infrastructure serving the existing upland residences. Continuing the existing use will not change the character of the neighborhood, nor detrimentally affect or alter the purpose of the Tahoe Basin Area Plan – Dollar Point Subdistrict. By making the special use findings, the existing use will be recognized as existing, non-conforming, and may be maintained and repaired.

3. Chapter 80 – Shorezone Findings:

(a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

The existing sewer lateral sits approximately one and a half feet beneath the lake bottom substrate. The eight-inch ductile iron pipe is held in place by anchors and steel piles driven three to four feet deeper into the lake substrate. Temporary impacts to littoral processes and fish spawning habitat occurred during the emergency repair and will also occur during the proposed repair. However once the repair is completed, the substrate conditions will be returned to their existing state and no further impacts to littoral processes or fish spawning habitat will be experienced. Additionally, the proposed work will be done outside of the spawning season.

(b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The existing sewer lateral is an accessory use to the primary uses on the 17 upland parcels, which are residential.

(c) Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The existing sewer lateral serves 17 littoral parcels, primarily with existing residential uses. Public health and safety facilities are not listed as an allowed use within the Dollar Point Subdistrict of the Tahoe Basin Area Plan (TBAP), shorezone tolerance district four. However, the project is to conduct maintenance and repairs on the existing sewer lateral and an expansion of a non-conforming use will not occur as a result of the project. The repair and maintenance of the existing infrastructure is compatible with the littoral parcel primary uses which it serves.

(d) Use: The use proposed in the foreshore or nearshore is water dependent.

The sewer line has been in place since 1967 and was constructed when the water levels were low, below the natural rim of 6,223, and was buried between two and five feet beneath the substrate. The proposed work includes repairing and maintaining the existing infrastructure to avoid a breakage like what was experienced on the emergency repaired segment earlier in the year. Because this project was repair and maintenance of an existing structure within the lakezone, it is a water-dependent use.

(e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

TRPA prohibits spray painting and the use of tributyltin. A condition of approval is the prohibition of the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe. All surplus construction waste materials are required to be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint or other hazardous materials shall be stored within the backshore or the project area.

(f) Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

The project area is located entirely within the lakezone. As such, construction access will occur entirely from the lake. A turbidity curtain, sheet pile wall, and boulders were used to mitigate against the temporary impacts of dredging the lake bottom to access the pipe. Once the emergency repair portion of the project was complete, all temporary turbidity controls (including the boulders) were removed and the area restored to the existing condition. The construction methodology used aquatic equipment including an amphibious LARK, barge, and an excavator positioned on a barge. No construction staging activity occurred in the backshore. The portion of the project that has not been completed will use the same construction access and methodology plan.

(g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The existing sewer lateral sits beneath the lake substrate, in other words it's buried. Therefore, the project does not adversely impact navigation or create a threat to public health and safety as determined by those agencies with jurisdiction over a lake's

navigable waters. Since the pipe sits landward of the low water line of 6,223 it is outside of California State Lands Commission's jurisdiction.

(h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

Comments regarding the public access easement were made by CSLC and regarding fish habitat and water quality by Lahontan. As a condition of final approval, the applicant will comply with requirements of applicable agencies having jurisdiction over the project. Lahontan Regional Water Quality Control Board (LRWQC), the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (USACE), and the Environmental Protection Agency (EPA) were all consulted when the rupture occurred and approved the emergency repair work.

4. Chapter 84 – Filling and Dredging:

(a) There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

In order to move forward with the emergency sewer repair, large boulders were brought into the project area to add turbidity controls to a temporary sheet pile wall that was put into place when turbidity curtains continually failed. The sheet pile wall failed as well, which was when the boulders were brought in to dissipate severe wave energy. These boulders, otherwise considered fill, were temporary measures installed to protect the jeopardized sewer manhole and immediate area of work. The placement of boulders was a measure to mitigate against wave action that may have jeopardized the emergency repair and threatened water quality and clarity. The same methodology may be used for repair of the adjacent section of pipe, should weather and wave action threaten water quality and clarity. If this same methodology is to be used, the boulders would be removed from the project area and the area restored.

(b) Maintenance dredging shall be allowed according to the following provisions:

The maintenance dredging is located in a facility that has been previously dredged.

The area where the pipe sits had to be dredged originally when the pipe was placed. Therefore, the dredging needed to occur to access the pipe for repair would not be considered new dredging.

The applicant demonstrates that dredging is necessary to maintain an existing use.
In order to access and repair the existing pipe, dredging must occur as the pipe is buried beneath the lake substrate.

The maintenance dredging is limited to the previously dredged footprint.

The dredging which occurred as a part of the emergency repair and that will occur as a part of the repair to the adjacent section of pipe will be the minimum necessary to achieve access to and repair of the pipe. The dredging will remain within the previously dredged footprint.

Attachment B

Draft Permit

Conditional Permit

PROJECT DESCRIPTION: Maintenance Dredging for Emergency Repair APN: 093-094-041 & -042 (530-301-00)

PERMITTEE: Tahoe City Public Utility District FILE #: ERSP2019-0514

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **December 19th, 2019**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **December 19th, 2022**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;

(3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND

(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

_____ _____

TRPA Executive Director/Designee Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)_____ Date_____

(PERMIT CONTINUED ON NEXT PAGE)

APNs 093-094-041 & 093-094-042 (530-301-00)
FILE NO. ERSP2019-0514

Security Posted (1): Amount $ 10,000 Type _____ Paid _____ Receipt No._____

Security Administrative Fee (3): Amount $__200___ Paid _____ Receipt No._____

Notes:
(1) See Special Condition 3 E., below.
(2) $200

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_____ _____
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit retroactively authorizes a dredging operation to address a ruptured Tahoe City Public Utility District (TCPUD) sewer main located lakeward of the single family residences located at 3328 and 3320 Edgewater Drive. Approximately 78 feet of pipe was impacted. Specifically, TRPA approved dredging to initially stabilize the sewer pipe and prevent further sewer discharge into the lake during February and March of 2019. Immediate work to remediate the dislodged pipe included stabilizing the area of work with a turbidity curtain, constructing a 6-inch diameter vacuum suction line to connect the TCPUD vactor truck to vacuum bypassing flow from the sewer manhole. Approximately nine cubic yards of lake bottom were dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Materials from the excavation were placed parallel and adjacent to the trench between the shoreline and the trench. Pipe support pilings were driven to a depth of four feet to provide adequate support to the repair design. TRPA approved the removal of the turbidity curtain and the placement of 20 feet of sheet piling around the sewer manhole due to continuing storm events and rising lake levels during the course of repair work. The sheet pile wall was damaged due to prolonged storm events and removed, and ten large boulders were brought into the site to dissipate the ongoing wave energy.

   Once the weather stabilized, the turbidity curtain was re-established, the trench line re-dredged, and ten pipe support piles were driven to an approximate depth of four feet. The replacement pipe was connected and sealed, placed in position, and attached to the pipe support piles. The project is located at an approximate lake bottom elevation of 6,224. Construction methods for the emergency repair utilized aquatic equipment which included a LARK amphibious vehicle, a barge, and an excavator positioned on the barge. No construction staging occurred in the backshore.

A similar methodology will be used to replace an adjoining 60 feet of 8-inch diameter ductile iron sewer pipe west (downstream) of the emergency repair. As part of this proposed project, divers will secure seven steel pile anchors; and secure three manta ray anchors to the pipe to prevent the possibility of another breakage. This portion of the project proposes to use the same construction methodology as the emergency repair. Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off-site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

No new land coverage shall be created nor is any approved as a result of this permit. No modification or expansion of any Shorezone structure or additional disturbance outside of the scope of this permit is approved. Any change to the dredging work may require further review and approval by TRPA.

2. The standard conditions of approval listed in Attachment S shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

   A. The permittee shall revise the site plan to include:

      (1) Indicate the limits of all construction-related activities including; dredging footprint, amount to be dredged, where dredged spoils will be stored during the project, and the limits for where the LARK and the barge will access and stage. Where appropriate, indicate the locations for installation of temporary turbidity curtains, temporary sheet pile wall, or boulders for the use of wave dissipation similar to the methodology employed for the emergency repair.

      (2) Notes indicating where the dredged material will be temporarily stored during pipe repair/replacement, and that the dredged material will be placed in the original location once pipe repair/replacement has been completed.

      (3) The location of all temporary BMPs, including erosion control and vegetation protection fencing surrounding any and all materials stockpiles, construction staging area, and construction access points (where applicable).

      (4) A note indicating: "All areas disturbed by dredging (including truck and equipment staging, truck loading, etc.), activity shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."

      (5) The site plan shall indicate the limits of dredging, including the maximum depth of dredging (excluding the pile driving), the outer limits of dredging, and total cubic volume to be disturbed.

   B. The permittee shall submit a projected dredging completion schedule to TRPA prior to acknowledgment for dredging that will occur as part of the repair/replacement of 60-feet of sewer pipe not associated with the emergency work completed in early 2019. Said schedule shall include but not be limited to completion dates for each item of the

following: installation of all temporary erosion control structures and turbidity screens; the date on which dredging will commence; when dredged material will be removed; when the dredging activity will be concluded with all activity demonstrating completion by Oct 15th of the current construction season. Prior to the proposed dredging operation, the applicant shall schedule a TRPA pre-grade inspection.

C. A water quality monitoring plan shall be submitted to TRPA for review and approval prior to commencing dredging operations as well as daily during dredging operations. Suspended material in excess of **10** NTUs shall not be permitted to enter the water of Lake Tahoe. If the test results indicate suspended material in excess of **10** NTUs, all dredging related activities shall cease. Dredging activity may only resume upon approval by TRPA Compliance Inspector.

The monitoring program shall, at a minimum, consist of the following:

(1) Pre-dredged substrate analysis: This analysis shall consist of soil samples that shall include, but not be limited to, turbidity.

Constituents	Maximum Concentrations
Turbidity	10 NTU
TPH	1.0mg/L

If TPH is identified in the pre-dredging substrate analysis and they exceed the limits allowed, all dredging material shall be removed and permanently disposed of at a hazardous waste facility approved by TRPA. The permittee shall provide written documentation to TRPA indicating that the dredging material has been received by the approved facility.

(2) Dredging Monitoring: Monitoring shall consist of water turbidity samples taken three times daily, between 8:00 a.m. and 10:00 a.m., between 12:00 p.m. and 2:00 p.m., and between 3:00 p.m. and 5:00 p.m. Samples shall be taken from locations marked on the TRPA approved site plan. One sample shall be taken at the outside edge of the turbidity curtain, within ten (10) feet of the curtain, while the others taken at a reasonable distance outside the curtain and downwind, if appropriate, approximately 50 feet. Samples shall be collected both at the surface and near the bottom of Lake Tahoe. A total of six samples shall be collected per day for this monitoring requirement. Additional samples may be required from the permittee, at the TRPA Compliance Inspector's discretion. The constituents to be tested for are:

Constituents	Maximum Concentrations
Turbidity	10 NTU

A daily log of the samples taken, location, and time shall be kept on site. A qualified person approved by TRPA shall take all samples. Samples shall be analyzed through an engineering or accredited lab approved by TRPA. These samples shall be taken in conformance with Standard Methods, For the Examination of Water and Wastewaters, 1989, 17th Edition. The analytical method used shall be appropriate to measure concentrations at the above

levels. The permittee shall be required to submit lab results every two weeks to TRPA. As part of the pre-dredging conditions of approval, the permittee will be required to submit a written description of the sampling methodology for TRPA review and approval. The sampling shall take place when the dredging occurs and continue until turbidity landward of the turbidity curtains measures less than **3 NTU** and a TRPA compliance inspector has approved a stop to sampling.

~~(~~3) Nutrient Sampling: This analysis shall consist of nutrient samples taken daily. These samples shall be collected at the discretion of the TRPA Compliance Inspector, and at 50 percent project completion, and if the turbidity readings taken at 10 feet outside the curtain exceed 10 NTU. The constituents to be tested are:

Constituents	Maximum Concentrations
Total Nitrogen as N	0.5 mg/l
Total Phosphorus as P	0.1 mg/l
Total Iron	0.5 mg/l
Turbidity	10 NTU

If the results of the turbidity sampling exceed 10 NTUs, the permittee is required to submit the nutrient sampling data to the TRPA Compliance Inspector within 24 hours.

D. The permittee shall submit a discharge mitigation plan detailing the methodology for mitigating a discharge of more than 10 NTUs(outside of the turbidity curtain) at any point of the dredging operation or in the event that sediment does not settle inside the turbidity curtains within 30 calendar days of the last day of dredging.

E. The security required in accordance with Section 5.9 of the TRPA Code of Ordinances required under Standard Condition A.3 of the Attachment S shall be $10,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. The Permittee shall pay an additional inspection fee for review of the water quality monitoring plan (Special Condition 3.C.). The Permittee will request an 'other' inspection at www.trpa.org and pay the inspection fee. Reports and photos should be emailed directly to the TRPA Inspector. Review of the water quality monitoring plan may include field inspections and administrative costs related to monitoring and may be charge multiple times throughout the dredging operation.

G. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of any TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any

cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. This permit is for a single dredging operation. This permit shall expire upon completion of the dredging. Completion of the dredging shall be defined as dredged material placed back over the repaired pipe and turbidity levels returned to background measurements (pre-dredging sampling numbers) or less than 10 NTUs, whichever is less.

6. Dredging shall be the minimum necessary to expose and remove the pipe to be repaired and/or replaced.

7. This project may be subject to the permitting requirements from other local, state, or federal agencies with jurisdiction over the proposed project, including but not limited to the U.S. Army Corps of Engineers, California State Lands Commission, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, and Placer County.

8. Any and all temporary sand/material stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.

9. Any and all unused excavated material shall be hauled away from the site to a TRPA approved location. No fills or re-contouring shall be allowed outside of the dredging operations.

10. All employee temporary work vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.

11. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.

12. No container of fuel, paint, or other hazardous materials may be stored in the backshore area.

13. The use of any wood preservatives or tributyltins is strictly prohibited.

14. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the waters of the Lake Tahoe Basin is prohibited. Any surplus dredging waste materials shall be removed from the project and deposited in a TRPA approved sites.

15. Disturbance to lakebed materials shall be kept to the minimum necessary. The removal of rock material from Lake Tahoe is prohibited.

16. Gravel, cobble, or small boulders shall not be disturbed or removed outside the dredging limits of this project.

17. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

18. Any normal dredging activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

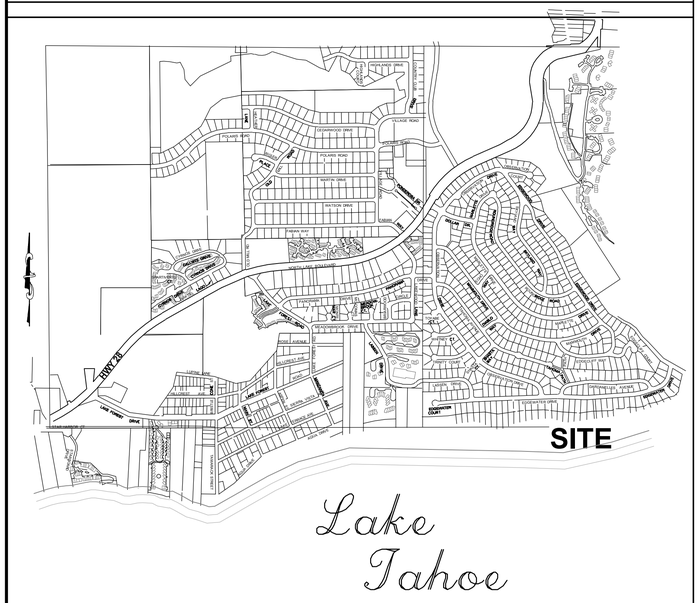
END OF PERMIT

Attachment C

Proposed Site Plan

IMPROVEMENT PLANS FOR
2019 TCPUD - DOLLAR PT. / EDGEWATER DR. SEWER REPAIR
TAHOE CITY, PLACER COUNTY, CALIFORNIA
APN: 093-094-041 & 093-094-042

VICINITY MAP



LEGEND

EXISTING

- 6245 — INDEX CONTOUR W/ ELEV.
- 6246 — INTERMEDIATE CONTOUR W/ ELEV.
- EDGE OF PAVEMENT
- TP-1 ELEV — CONTROL/TRAVERSE POINT
- PROPERTY LINE
- EASEMENT LINE
- ROCK RIPRAP
- ROCKERY WALL
- TURBIDITY CURTAIN
- SS — SEWER

PROPOSED

- TURBIDITY CURTAIN
- SS — SEWER

SHEET INDEX

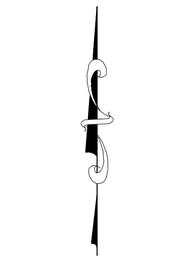
DATUM INFO

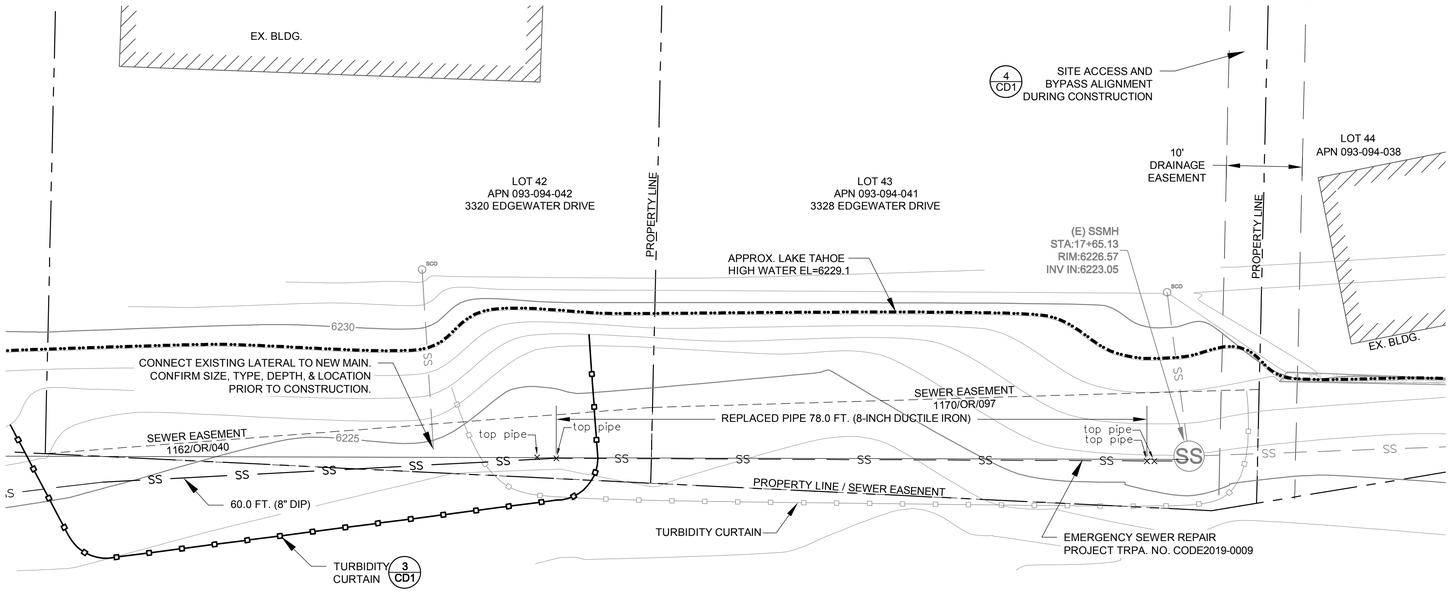
HORIZONTAL DATUM

HORIZONTAL DATUM IS CALIFORNIA STATE PLANE COORDINATE SYSTEM ZONE II NAD83 (1991.35). DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MEAN COMBINATION FACTOR (CF): 0.99962 TO CONVERT GROUND TO GRID ... MULTIPLY BY CF

VERTICAL DATUM

THE ELEVATIONS FOR THIS PROJECT ARE BASED UPON NGVD 29 DATUM, DEFINED BY BENCHMARK D 491 (PID KS0312), ELEV = 6477.51, LOCATED 2.5 MILES NORTHEAST ALONG STATE HIGHWAY 28 FROM THE POST OFFICE AT TAHOE CITY, AT THE T JUNCTION OF FABIAN WAY LEADING WEST, IN THE TOP OF AN 8' x 12' LAVA OUTCROP WHICH PROJECTS ABOUT 3 FEET ABOVE THE GROUND, 216 FEET NORTHWEST OF THE CENTER LINE OF HIGHWAY 28, 91 FEET SOUTHWEST OF AND ACROSS THE ROAD FROM POWER LINE POLE 2210, 38 FEET SOUTH OF THE CENTERLINE OF THE ROAD, 21 FEET WEST OF A 36 INCH PINE TREE, AND ABOUT 4 FEET HIGHER THAN THE ROAD.

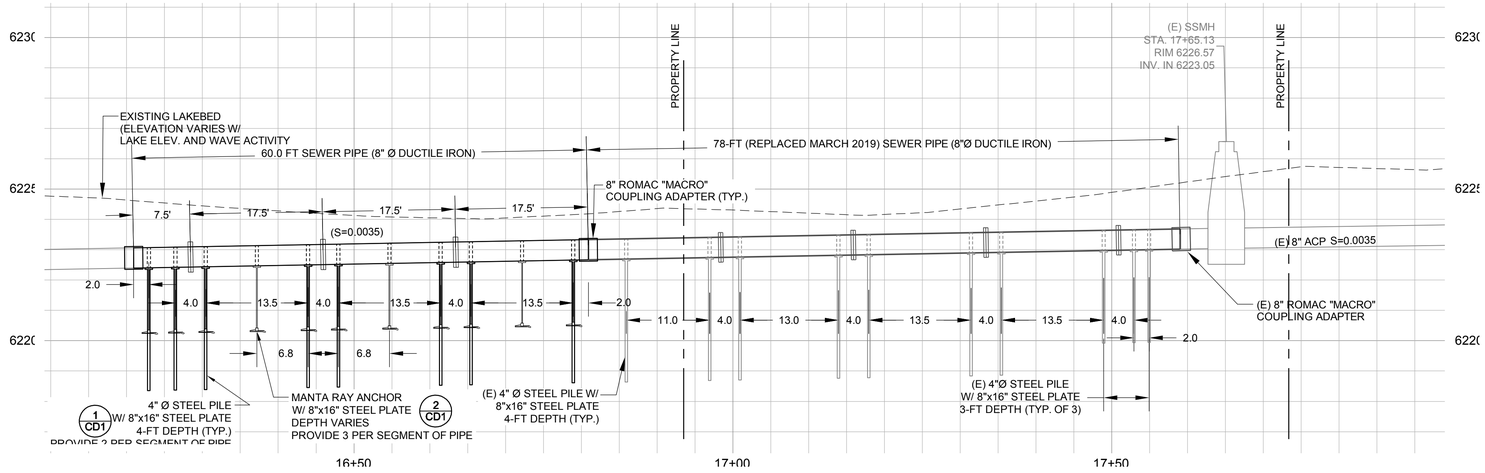




LAKE TAHOE

PLAN

SCALE: 1"=10' (H)



PROFILE

SCALE: 1"=10' (H), 1"=2.5' (V)

REV	DATE	REVISIONS	BY

RECORD DRAWING

DATE ENGINEER INITIAL

REGISTERED PROFESSIONAL ENGINEER WALTER R. AUERBACH No. C34303 Exp. 9/30/19 CIVIL STATE OF CALIFORNIA

AUERBACH ENGINEERING CORP.
CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL PLANNING
P.O. BOX 5399 • 645 W LAKE BLVD. • TAHOE CITY • CALIFORNIA 96145
VOICE (530) 581-1116 • FAX (530) 581-3162
WWW.AUERBACHENGINEERING.COM

TCPUD
DOLLAR PT. / EDGEWATER DR. SEWER REPAIR

PLAN AND PROFILE

PLACER COUNTY CALIFORNIA

TAHOE CITY

0 1
BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER:	22.77E
SURVEY BY:	AEC
SURVEY DATE:	2/2019
DESIGN BY:	NC
DRAFTING BY:	AH
CHECKED BY:	NC
DATE:	MAY 1, 2019

SCALES: AS SHOWN HORIZONTAL, AS SHOWN VERTICAL

C1

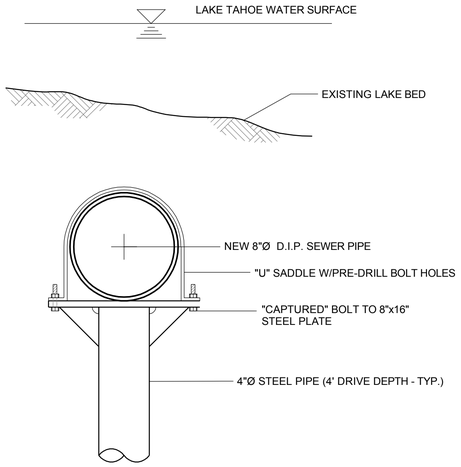
SHEET: 1 of 2

J:\22.77E\Dwg\Final Sheets\22.77E_C1.dwg

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A

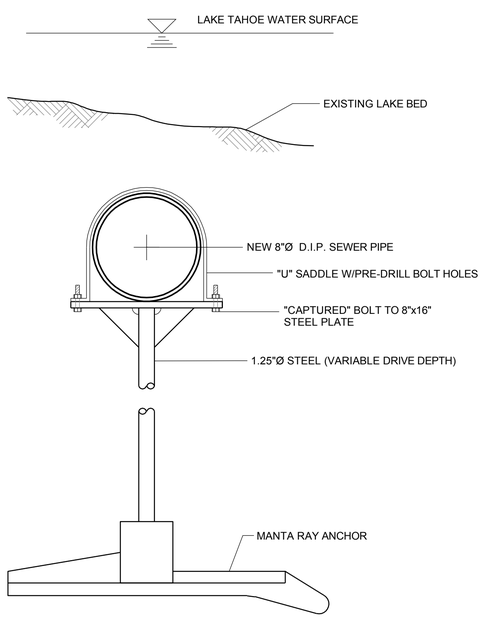
1 PIPE ANCHOR

N.T.S.



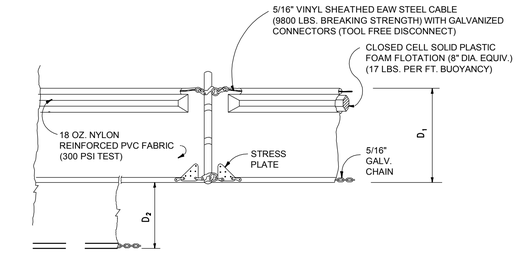
2 MANTA RAY ANCHOR

N.T.S.

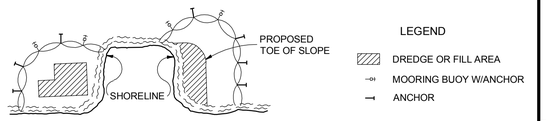


3 TURBIDITY CURTAIN

N.T.S.



D_1 =5' STD. (SINGLE PANEL FOR DEPTHS 5' OR LESS).
D_2 =5' STD. (ADDITIONAL PANEL FOR DEPTHS GREATER THAN 5').



TYPICAL INSTALLATION LAYOUT

NOTES:
1. TURBIDITY BARRIER SHOWN IS A MINIMUM. TURBIDITY BARRIER SHALL BE DESIGNED AND INSTALLED TO WITHSTAND ANTICIPATED WIND, CURRENT AND STORMWATER RUNOFF THAT MIGHT OCCUR.
2. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS DETAILING THE LAYOUT, ANCHORING AND CURTAIN SPECIFICATIONS FOR REVIEW 3 WEEKS PRIOR TO CONSTRUCTION.
3. TURBIDITY BARRIER SHALL NOT INTERFERE WITH ADJACENT US COAST GUARD OPERATIONS.
4. TURBIDITY BARRIER SHALL EXTEND THE FULL DEPTH AND BE ANCHORED TO THE LAKE BOTTOM EITHER WITH A WEIGHTED HEM DESIGN ON THE CURTAIN OR AT CLOSE ENOUGH INTERVALS TO MAINTAIN A SILT SEAL ON THE LAKE BOTTOM.
5. TURBIDITY BARRIER SHALL REMAIN IN PLACE UNTIL THE THREAT OF SEDIMENT AND NUTRIENT TRANSPORT CEASES TO EXIST AND WHEN THE PROJECT IS COMPLETE.

4 BYPASS ALIGNMENT AND STAGING AREA

N.T.S.

NOTES:
1. PROVIDE TEMPORARY EROSION CONTROL MEASURES AROUND THE PERIMETER OF THE STAGING AREA.
2. ALL FUEL STORED ON SITE SHALL BE IN REQUIRE FUEL CONTAINMENT SYSTEMS.

5 NOT USED

N.T.S.

REV	DATE	REVISIONS	BY

RECORD DRAWING

DATE ENGINEER INITIAL

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TCPUD
DOLLAR PT. / EDGEWATER DR. SEWER REPAIR
CIVIL DETAILS
PLACER COUNTY CALIFORNIA
TAHOE CITY

0 1
BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER:	22.77E
SURVEY BY:	AEC
SURVEY DATE:	2/2019
DESIGN BY:	NC
DRAFTING BY:	AH
CHECKED BY:	NC
DATE:	MAY 1, 2019

SCALES: AS SHOWN HORIZONTAL; N/A VERTICAL

CD1

SHEET: 2 of 2

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LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

Attachment D

Initial Environmental Checklist (IEC)

TAHOE REGIONAL PLANNING AGENCY

OFFICE
128 Market St.
Stateline,NV

Phone:(775) 588-4547
Fax: (775) 588-4527

MAIL
PO Box 5310
Stateline, NV 89449-5310

www.trpa.org
trpa@trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday

New Applications Until 3:00 pm

Print Form

INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

I. Assessor's Parcel Number (APN)/Project Location 093-094-041, and 093-094-042

Project Name 2019 TCPUD Dollar Point/Edgewater Drive Sewer Repair

County/City Placer

Brief Description of Project:

A gravity sewer main became dislodged in Lake Tahoe on January 5, 2019. This was reported to TCPUD on January 23. On January 30, TCPUD began marine construction operations in order to replace 78 feet of 8-inch sewer pipe and install ten (10) 4-inch steel anchor support piles to harness the pipe. This was completed over time as weather permitted. Work was completed on March 15, 2019. During that time, a sewer bypass system was in operation 24/7 on Edgewater Drive. Construction took place via aquatic equipment which included a LARK, barge, and excavator (positioned on barge). Turbidity curtains were installed during times of construction. Taylor Currier from TRPA provided an inspection of the site on March 14, 2019 (no. CODE2019 -0009), which resulted in a pass.

This application is for the work that was completed as stated above; for work to replace boulders that were placed to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair; and also for work proposed for Fall 2019.

The work to replace boulders will require acquatic equipment, with includes a LARK, barge, and excavator (positioned on barge). The boulders will be replaced to their previous location utilizing this equipment with the help of scuba divers with turbidity curtains in place.

The TCPUD would like to complete similar work for the adjoining 60 feet of sewer main west (downstream) of the previous emergency work. This is an area that is similar in nature to the where previous work occurred in that it lies within a sandy unprotected zone. Much of the sewer main is underlain by volcaniclastic rocks of Skylandia consisting of welded basaltic ash and cinders which provide high uplift resistance for the piles, assuming the piles can be driven into the ash material (NV5 Geotechnical Field Report No. 210). When most of the sewer main was installed in the late 1960s, the volcaniclastic rocks had to be trenched through, but it provided a natural barrier to wave action. The area of proposed work is where the sewer main is underlain by the volcaniclastic rock, but covered in sand where it is more exposed and susceptible to damage from high water and wave action.

The proposed work will utilize the same construction methodology and aquatic equipment access. The work is to commence late September after spawning season and when there is a 5-day calm forecast. Turbidity curtains will be installed from the edge of water to surround the construction area.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Deterioration of ambient (existing) air quality?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. The creation of objectionable odors?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

e. Increased use of diesel fuel?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Alterations to the course or flow of 100-yearflood waters?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Change in the amount of surface water in any water body?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

The turbidity curtains and barge placement have/wil alleviate substantial disturbance of surface waters during dredging and anchor pile placement.	☐ Yes	☐ No	
	☒ No, With Mitigation	☐ Data Insufficient	

f. Alteration of the direction or rate of flow of ground water?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

4. Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

e. Reduction of the numbers of any unique, rare or endangered species of plants?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

g. Removal of any native live, dead or dying trees30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Exposure of people to severe noise levels?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Expand or intensify an existing non-conforming use?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Substantial depletion of any non-renewable natural resource?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Involve possible interference with an emergency evacuation plan?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

11. Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

12. Housing

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

Number of Existing Dwelling Units: 0

Number of Proposed Dwelling Units: 0

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

e. Alterations to waterborne, rail or air traffic?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Police protection?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. Schools?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. Parks or other recreational facilities?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

e. Maintenance of public facilities, including roads?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

f. Other governmental services?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Communication systems?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

e. Storm water drainage?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

f. Solid waste and disposal?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Exposure of people to potential health hazards?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Be visible from any public recreation area or TRPA designated bicycle trail?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Create additional recreation capacity?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Is the property associated with any historically significant events and/or sites or persons?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best ofmy ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: **(Original signature required.)**

Mia Altis
Person Preparing Application

At Placer County Date: 5/1/2019

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Determination:

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

☐ Yes ☐ No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

☐ Yes ☐ No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

☐ Yes ☐ No

_____ Date: _____

Signature of Evaluator

Title of Evaluator

Attachment B

February 7, 2020 Floum/O'Donnell Statement of Appeal and Attachments

TAHOE REGIONAL PLANNING AGENCY
STATEMENT OF APPEAL

PERMITTEE: Tahoe City Public Utility District

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

APN: 093-094-041, 093-094-042 (530-301-00)

TRPA FILE # ERSP2019-0514

APPELLANTS: Joshua Floum and Margaret O'Donnell
3328 Edgewater Drive, Tahoe City CA
APN: 093-094-041

DATE: February 7, 2020

I. INTRODUCTION

This appeal pertains to the Conditional Permit issued by the Tahoe Regional Planning Agency ("TRPA") issued on December 19, 2019 both retroactively authorizing previous emergency sewer repairs and prospectively authorizing future maintenance repairs to be conducted by the Tahoe City Public Utilities District ("TCPUD") along the Dollar Point-Edgewater sewer line running through Appellants' and neighboring private properties (the "Conditional Permit").

Appellants appeal the issuance of the Conditional Permit as improper on the grounds, that, among other things described below: 1) Appellants are the owners of the subject property and neither signed the application as required nor had knowledge of the submittal of any permit application on their private property; 2) the Conditional Permit, allows significant dredging and removal of material from the lake bottom but does not require the restoration of the lake bottom to its original state in violation of both the TCPUD easement terms as well as TRPA Regional Plan and its Goals and Policies; 3) the Conditional Permit allows the TCPUD to leave a new, larger and exposed sewer pipe visible within the shorezone lake bottom in violation of the TRPA Code of Ordinances; 4) the Conditional Permit was based upon misstatements of fact and insufficiently supported required findings; and 5) the Conditional Permit authorizes the creation of a trespass and nuisance resulting in an inverse condemnation.

II. BACKGROUND

Appellants have owned the property located at 3328 Edgewater, Tahoe City, California since March 2012. As reflected in the attached documents, Appellants' property line extends all the way to the low water line of Lake Tahoe. (See Exhibit A - Grant Deed and Exhibit B - Recorded Map) Thus, the Conditional Permit relates to work performed or to be performed directly upon Appellants private property. In 1967, the TCPUD (then the Tahoe Public Utility

District) was granted an easement over Appellants' property for sewer purposes. (See Easement Exhibit C). Although this easement grants the TCPUD the right to repair, maintain and replace its sewer lines, the TCPUD as Grantee also expressly covenanted and agreed to "replace or cause to be replaced the easement area . . .***in as near its condition prior to undertaking any work as is reasonably practicable***. . ." (Emphasis added).

On or about December 17, 2019 Appellants received a notice by regular mail that a hearing was to be held on December 19, 2019 to consider granting the Conditional Permit. Appellants never signed, received or have even seen a copy of any permit application for this work and Appellants never had an opportunity to provide input to TRPA staff prior to their recommendation in the Staff Report dated December12, 2019 (the "Staff Report"). Due to short notice, Appellants were not able to attend the permit hearing on December 19, 2019, but sent their representative, Gary Furumoto of Sagan Design Group to represent their interests. At the hearing Mr. Furumoto expressed Appellants' position but apparently their concerns were not considered in any serious way and the Conditional Permit was issued without amendment.

Appellants do not oppose necessary repairs to the aging and neglected sewer line. However, the recent emergency repairs have resulted in the installation of a new, apparently larger sewer line being left bare and visibly exposed above the lake bottom, in place of the previously completely buried pipe. In addition, a manhole access has been significantly raised over it prior height. The documents state that approximately 9 cubic yards of material were removed from the lake bottom but not replaced. This is an enormous amount of material and has lowered the lake bottom significantly which is apparent both from the fact that the sewer line is now completely exposed along the length of the property but also that the bottom step of Appellants' beach/water access has gone from approximately 4 inches to over 1 foot in height.

After discussions with the TCPUD as well as TRPA staff, it remains unclear exactly what the Conditional Permit requires or allows with regard to the positioning and burying of the new sewer pipe. TCPUD staff recently stated that they are willing to bury the pipe but claim that the Conditional Permit prohibits them from doing so. (See Email Exhibit D) Therefore, by this Appeal, Appellants seek clarity and assurance that the replaced sewer line as well as any new sewer line installed pursuant to the Conditional Permit will be properly and completely re-buried in accordance with the express terms of the TCPUD easement as well as for safety, aesthetic and functional reasons – as it has been since its original installation in or about 1967.

III. FACTS

At the time Appellants bought their property, Lake Tahoe was at a very low level. Although Appellants had seen a manhole cover in the sand below a drainage swale on the east side of the property, there was never any sewer pipe visible or detectible across the property. Indeed, Appellants had absolutely no idea that a public sewer line actually ran through their property and within the bounds of Lake Tahoe. Such an idea seemed unimaginable. For years, Appellants routinely used the area above where the pipe was buried as a beach where they and their guests regularly walked and sat. (See Pictures of the property as it appeared prior to January 2019 are included with this Statement as Exhibits E1, E2, E3) In 2017 after major winter storms,

the lake level rose above the high water line where it has remained ever since. Despite many major storms and wind episodes over the years, the sewer pipe remained completely buried.

On January 21, 2019, Appellants for the first time saw several lengths of pipe in lying in the water below their house in Lake Tahoe. It was not immediately clear exactly what those pipes were because Appellants had never seen any sewer line or other visible pipes in either the sand or lake on their property. On January 23, 2019, Appellant, Josh Floum, telephoned the TCPUD to report the existence of the pipes in the lake. After hearing nothing back nor seeing any action being taken regarding the pipes, Mr. Floum called the TCPUD again on January 25, 2019 to see what action was being taken. (Copies of phone records reflecting these calls are attached as Exhibit F) Notwithstanding both of those alerts to the TCPUD, **no one came to investigate the broken sewer pipes until a full week later on January 30, 2019** during which time, many thousands of gallons of raw sewage continued to flow over Appellants property and into Lake Tahoe.

Commencing in February 2019, emergency work began to repair the broken sewer line and continued through March 18, 2019. During that entire time Appellants home had no water or sewer service rendering the home virtually unusable. As part of the repairs, the TCPUD and its contractors raised the manhole cover significantly above lake level and apparently brought in a number of boulders to shore up their work. In addition, however, they also improperly removed large boulders from Appellants' shore zone revetment/retaining wall which they appropriated for their own use, causing significant subsidence and collapse of Appellants' retaining wall. Although the TCPUD initially denied this fact, it was subsequently proven to them by photographic evidence.

At all times throughout the emergency work, Appellants communicated their concerns to the TCPUD about the impact of the project on their property. On March 19, 2019, Kim Boyd, Senior Management Analyst at the TCPUD sent Appellant, Josh Floum, an email informing him that the repair had been completed but further noting that "we did want you to be aware that we were not able to completely backfill material over the entire length of the pipe. As discussed last week, we will let the lake and wave action settle and stabilize the material in the shore zone around the pipe, and in the coming months we will further assess the pipe's exposure." (See Email, Exhibit G) In June 2019, Appellants returned to their home to find that the manhole cover remained elevated many feet above lake level, that there were numerous new rocks, boulders and bright orange bags of concrete strewn about on the lake bottom, that boulders had been removed from their retaining wall, and that the new sewer pipe was no longer buried but instead was completely exposed and visible from above the lake. (See Photos, Exhibits H1, H2)

Appellants then reached out to the TCPUD which returned to the site with contractors, lowered the manhole (although not to its original level), removed the boulders, rocks and other debris left over from the project and replaced at least one of the rocks wrongfully pilfered from the retaining wall. The new sewer pipe, however, remained completely unburied and visible. Despite Appellants' continued insistence that the pipe be reburied and the easement area be returned to its original condition, the TCPUD refused any further remediation. It should be noted that the original sewer pipe was a 6" ACP (Asbestos Cement Pipe) and the new pipe is now an

8" apparently iron pipe. It is not clear that the pipe is, in fact, at the same elevation/location as the previous pipe but without question an enormous amount of lake bottom material has been removed and not replaced – thereby exposing the entire length and girth of the new larger pipe to this day. (See Photo January 20, 2020 Exhibit I)

IV. ARGUMENT

A. The Permit Application Was Improper Because Appellants Are The Legal Owners Of The Subject Property.

The TRPA Rules of Procedure ("TRPA Rules") §5.2 requires that "(a)n application shall be on a TRPA form prescribed by the Executive Director and shall be executed by a person having sufficient legal interest to make application." The Rules further require an application to set forth a "description and verification of the applicant's legal interest, and any legal interests held by others, in the real property upon which the project is proposed to be constructed or conducted." (TRPA Rules §5.2.3) In addition, an application must include:

> A dated signature, by or on behalf of the applicant, attesting under penalty of perjury to the truth, completeness, and accuracy of the contents of the application. If the application is to be signed by a representative of the applicant, the applicant shall either complete and sign the portion of the application form relating to authorization or the application shall be accompanied by a power of attorney as evidence of the representative's authority to act on behalf of, and bind, the applicant in all matters concerning the application. (TRPA Rules §5.2.4)

The TRPA application form prescribed by the Executive director specifically requires a the signator of the application to declare under penalty of perjury that : "I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property."

In this case, Appellants not only never signed the application but were given no notice of it, nor have they ever seen it or the representations made in connection with it. As discussed above, Appellants are the owners of the subject property because their lot continues all the way to the low water line. (See Grant Deed and Recorded Map, Exhibits A and B) Therefore, it appears that whoever signed the application did so improperly and the Conditional Permit was improperly granted and must be either rescinded or modified to consider the issues as requested by Appellants who actually own the subject property.

B. The TCPUD Easement, The TRPA Goals And Policies, The Regional Plan, And The Code of Ordinances All Prohibit The Allowance Of An Exposed Sewer Pipe Within The Shorezone.

As discussed above, the TCPUD sewer line easement expressly requires that after any installation or work on its facilities it must "replace or cause to be replaced the easement area . . .

in as near its condition prior to undertaking any work as is reasonably practicable." (Easement, Exhibit C) As acknowledged in the Staff Report itself, the original pipe, installed in 1967 "was buried between two and five feet beneath the substrate." (Staff Report, Attachment A) Therefore, the application and Conditional Permit should have included a plan to return dredged materials or bring in new material to safely bury the new sewer pipe and return the lake bottom to as close to its original condition as possible. This is not only common sense, but it is required by the TRPA Goals and Policies, the TRPA Regional Plan, and the TRPA Code of Ordinances (the "TRPA Code").

The first goal stated in the Scenic Subelement, Conservation Element of the Goals and Policies (TRPA, 1986) is to "Maintain and restore the scenic qualities of the natural appearing landscape." To that end the TRPA Regional Plan prioritizes restoration and rehabilitation to maintain the Shorezone for natural and scenic purposes.[1] And the EIS for Lake Tahoe shorezone Amendments expressly recognizes that "views of the lake form sensitive and important parts of the viewer experience." Indeed, the TRPA Code § 80.3.3(B) expressly requires that shorezone "project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region." Allowing an exposed sewer pipe within the shorezone not only presents an obvious injury to the Appellents' and their neighbors' enjoyment of their property but in fact, presents an ongoing health, safety and environmental quality threat because an exposed pipe creates a far greater hazard of being damaged and breaking than does a buried one.

C. Approval of the Conditional Permit Appear To Have Been Based Upon Misstatements Or Omissions Of Fact.

Although Appellants have not seen the permit application, the Staff Report contains both erroneous facts and/or omissions which are presumably based upon representations made by the TCPUD or its representatives in their improper application and supporting documentation.

1. It Is Doubtful That The Pipe Was Broken Due To Weather Conditions.

First, in its Project Description the Staff Report states that "excessive wave action and the high water conditions during the winter of 2019 contributed to significant erosion, scouring and

[1] See e.g. TRPA Regional Plan Sections LU-2.6 USES OF THE BODIES OF WATER WITHIN THE REGION SHALL BE LIMITED TO OUTDOOR WATER-DEPENDENT USES REQUIRED TO SATISFY THE GOALS AND POLICIES OF THIS PLAN. This policy is intended to promote the use of waters of the Region for water dependent outdoor recreation and to protect the scenic and natural qualities of such waters. Plan Area Statements or conforming Area Plans shall detail the specific policies. LU-2.7 RESTORATION AND REHABILITATION SHALL BE A HIGH PRIORITY FOR IMPROVING ENVIRONMENTAL QUALITY AND COMMUNITY CHARACTER OF AREAS DESIGNATED FOR REDIRECTION BUT NOT INCLUDED IN A REDEVELOPMENT PLAN. The Regional Plan calls for improvement of environmental quality and community character in redirection areas through restoration and rehabilitation. Implementation of rehabilitation and restoration strategies shall be by ordinance. LU-2.11(F). Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires specialconsideration, are limited to transferring the minimum coverage needed

impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged from the existing coupling connections." The Staff Report references no evidence supporting this statement and Appellants believe that it is inaccurate.

Although the TCPUD has claimed that a storm on January 5, 2019 caused erosion of the lake bottom and that wave action from that storm caused the pipe to dislodge, the evidence does not support this interpretation of events. First of all, the sewer main has been in place for over fifty years and has remained safely buried throughout periods of high and low water as well as many storms and windy days. Furthermore, Appellants were present during the weeks after January 5 and no pipes were visible in the bottom of the lake. It was not until January 21, 2019 after a prolonged period of calm and sunny days that the broken pipes suddenly appeared on the lake bottom. (See Summary of Tahoe Weather January 2019, Exhibit J).

Appellants believe it is far more likely that the Asbestos Cement Pipe that was beyond the end of its fifty year lifespan failed due to deterioration and began to float because of its extremely light weight. (See Paper - Asbestos Cement Pipe: What If It Needs To Be Replaced?, G. Eric Williams, P.E. Professional Associate/Vice President, HDR Engineering, Inc., Sunset Beach, NC and Kent Von Aspern, P.E.Senior Project Manager, HDR Engineering, Inc., Walnut Creek, California attached as Exhibit K). In fact, the TCPUC appears to have been working on plans to replace the pipe but dragging its feet for many years prior to the pipe's failure. Even if one accepts the TCPUC argument that exposure due to wave action on January 5 by itself caused the pipe failure, it makes it even more imperative that any new pipe be completely and safely buried to prevent any new failure in the future.

2. The Staff Report Fails To Recognize Appellants As Owners Of The Subject Property.

In describing the Site Description, the Staff Report states as follows: "The area of work began in the shorezone lakeward of the residence located 3328 Edgewater Drive (APN 093-094-041) and extended west to the shorezone lakeward of 3320 Edgewater Drive (APN 093-094-042). The properties immediately landward of the area of pipe repair are private parcels with single family dwellings." To state that the work was being done lakeward of the properties is incorrect because, as discussed above, both of the referenced parcels extend to the low water line of the lake and therefore, are not private parcels "landward" of the area of pipe repair but are, in fact, private parcels directly upon which the pipe repair did and will occur.

3. The Staff Report Fails To Acknowledge The Scenic Impact Of The Project.

In its analysis of the Scenic Quality and Impact of the Project, the Staff Report states as follows: "Large rocks and boulders were brought in and placed within the lake to stabilize the area and protect it from wave action during the emergency repair work. These rocks and boulders have since been removed, upon completion of the emergency repair. Other than this temporary impact, no other scenic impacts resulted from the project." In making this statement the Staff Report completely ignores the obvious scenic impact of an exposed sewer pipe in the bottom of Lake Tahoe which is plainly visible from all homes and the street above as well as from the lake surface itself. Had the Staff Report recognized the scenic impact, it seems any permit would

have to require that the pipe be reburied at least one to two feet underneath the lake bottom as it was previously and, as discussed above, should be required by the TRPA Goals and Policies, the TRPA Regional Plan and the TRPA Code.

D. The Required Findings Were Not Based On Sufficient Facts.

The TRPA Code Chapters 4, 21, 80, 81, 84, and 85 set forth certain required findings which must be based upon sufficient evidence to approve this shorezone project. Although the Staff Report purports to make the requisite findings, certain required findings are not supported by the evidence and therefore cannot be made in support of the Conditional Permit.

1. Chapter 4 Required Finding

TRPA Code § 4.4.1 (A) requires for a finding for all projects that "The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs." In making its erroneous finding that the project as conditioned "conforms with" and "will promote" all elements of the Regional Plan the Staff Report states as follows:

> "There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, or Implementation sub-elements of the Regional Plan. This project is intended to promote environmental improvements to water quality and to improve scenic elements of the site." (Staff Report, Attachment A)

This finding states that there is no evidence in the file showing an adverse impact and indeed it is possible that neither the TCPUD nor its representative disclosed that the new sewer pipe would be both larger and/or be fully exposed and visible in the lake – clearly a fact that should have been included in the application file.

As discussed above, allowing an exposed sewer pipe does not comport with the Regional Plan or any of the TRPA goals for that matter. Rather, such a pipe plainly will have a significantly negative impact on the Land Use, Conservation, Recreation, Scenic Quality and Implementation of the Regional Plan and therefore, without a condition that requires the pipe to be buried, the required finding in support of the Conditional Permit cannot be made.

2. Chapters 21 and 81 – Special Use Findings.

TRPA Code § 21.2.2 (A) requires a Special Use Finding that: "The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region."

In support of its affirmative Special Use finding the Staff Report correctly states that "the emergency repair was necessary to protect the health, safety, environmental quality, enjoyment of the property, and general welfare of the residents of the neighborhood" and that "the proposed

repair will achieve the same objective; protecting water quality and public health and safety by repairing the aging infrastructure." However, pointing out the benefits of the project, does not constitute the required finding that despite those benefits, the project "***will not*** injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region." (Emphasis added.)

Appellants do not dispute the need for the sewer repairs and agree that the emergency repairs were necessary and that the proposed repairs will achieve the same objective. Rather, Appellants position is that the failure of the Conditional Permit to require that the dredged area be restored and the new sewer pipe be completely and safely buried ***does*** injure the safety, environmental quality, and enjoyment of property for not only Appellants but other persons and properties in the neighborhood and the required finding is erroneous.

3. Chapter 80 – Shorezone Findings

TRPA Code § 80.3.2 (A) requires a finding that the project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas. In making this finding, the Staff Report incorrectly states that "once the repair is completed, the substrate conditions will be returned to their existing state and no further impacts to littoral processes or fish spawning habitat will be experienced." While Appellants have no information on the project impacts as described, the Staff report statement that the lake bottom will be returned to its "existing state" is incorrect and therefore, there does not appear to be sufficient facts upon which to base this finding.

TRPA Code § 80.3.2 (G) requires a finding that the project will not adversely impact navigation and safety. In making this finding the Staff report states that "**the existing sewer lateral sits beneath the lake substrate, in other words it's buried**. Therefore, the project does not adversely impact navigation or create a threat to public health and safety . . . ." (Emphasis added.) While that statement may be true with regard to the pipe installed in 1967, it is **a completely false statement** of the conditions as they exist today and apparently of the conditions that will remain after completion of the project and therefore cannot provide a factual basis for the required finding.

E. The Conditional Permit Allows a Trespass, Creates A Nuisance Will Result In An Inverse Condemnation of Appellants' Property.

As discussed in detail above, the TCPUD easement requires the natural lake bottom be restored as closely as possible to its prior condition after any work by the TCPUD. Failure of the Conditional Permit to require the restoration of the lake bottom and the burial of the sewer pipe – which the TRPA itself acknowledges was previously buried at least two to five feet below the substrate – not only violates everything the TRPA seeks to achieve for Lake Tahoe but also creates a number of other burdens on Appellants including the creation of a trespass and a nuisance which will deprive Appellants and their neighbors of the enjoyment of their properties and diminish the value of their properties resulting in an inverse condemnation.

V. CONCLUSION

For the reasons set forth above, Appellants contend that the Conditional Permit was improperly approved by the TRPA. Appellants are not opposed to repairing the sewer line, and believe that the problematic aspects of the permit discussed in this Statement of Appeal can be rectified by including a condition which requires the TCPUD to bury its sewer line and allows the lake bottom substrate to be returned to its prior condition.

Respectfully submitted,

Margaret R. O'Donnell
On Behalf of Appellants

RECORDING REQUESTED BY:
Fidelity National Title Company of California
Escrow No.: 12-**1101059**-RE
Locate No.: CAFNT0931-0931-0003-0001101059
Title No.: 12-**1101059**-JV

When Recorded Mail Document and Tax Statement To:
Joshua R. Floum and Margaret R. O'Donnell
323 Seymour Lane
Mill Valley, CA 94941

PLACER, County Recorder
JIM MCCAULEY
DOC- 2012-0023707-00
FIDELITY TITLE
FRIDAY, MAR 16, 2012 14:30:00

MIC	$3.00	AUT	$2.00	SBS	$1.00
ERD	$1.00	RED	$1.00	REC	$10.00
ADD	$0.00	UNI	$3,245.00		

Ttl Pd $3,263.00 Rcpt # 02180114
clk46mlfj1/SM/1-2

APN: 093-094-041

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)
Documentary transfer tax is $3,245.00
[x] computed on full value of property conveyed, or
[ ] computed on full value less value of liens or encumbrances remaining at time of sale,
[X] Unincorporated Area

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, M. Phillip Arth Jr. and Gretchen V. Arth, Trustees of the 1988 M. Phillip Arth Jr. and Gretchen V. Arth Revocable Living Trust Agreement dated June 21, 1988

hereby GRANT(S) to Joshua R. Floum and Margaret R. O'Donnell, husband and wife as community property with right of survivorship

the following described real property in the County of **Placer**, State of **California**:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: March 13, 2012

State of California)
County of Contra Costa)

On 3-14-2012 before me, James A. Kretsch, Notary Public (here insert name and title of the officer), personally appeared M. Phillip Arth Jr
Gretchen V. Arth,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature James A Kretsch (Seal)

M. Phillip Arth Jr. and Gretchen V. Arth, Trustees of the 1988 M. Phillip Arth Jr. and Gretchen V. Arth Revocable Living Trust Agreement dated June 21, 1988

By: M Phillip Arth Jr
M. Phillip Arth Jr, Trustee

By: Gretchen V. Arth
Gretchen V. Arth, Trustee

JAMES A. KRETSCH
COMM. # 1966313
NOTARY PUBLIC • CALIFORNIA
CONTRA COSTA COUNTY
MY COMM. EXP. JANUARY 19, 2016

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-213 (Rev 12/07)
(grant) (10-03) (Rev. 07-11)
GRANT DEED

Escrow No.: 12-**1101059**-RE
Locate No.: CAFNT0931-0931-0003-0001101059
Title No.: 12-**1101059**-JV

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 43 as shown on the Map entitled "Dollar Point Unit No. 1" filed in Book "F" of Maps, Page 73, Placer County Records, and a portion of Section 33, Township 16 North, Range 17 East, M.D.B. & M., described as follows:

Beginning at the Northeast corner of said Lot 43; thence from said point of beginning South 2° 32' 00" West 188.37 feet to the Southeast corner of said Lot 43; thence on the Southerly entension of the Easterly line of said Lot 43 South 2° 32' West to the low water line of Lake Tahoe; thence Westerly along said low water line of Lake Tahoe to the point of intersection with the Southerly extension of the Westerly line of said Lot 43; thence North 2° 32' 00" East along said Southerly extension of the Westerly line of said Lot 43 to the Southeast corner of said Lot 43; thence North 2° 32' 00: East 187.58 feet to the Northwest corner of said Lot 43; thence South 87° 20' 00" East 80.00 feet to the point of beginning.

Said land is shown on Resolution to Approve Minor Boundary Line Adjustment recorded July 11, 1990, Instrument No. 90-044227, Official Records.

APN: 093-094-041

2

POR. S.1/2 SEC. 33, T.16 N., R.17E., M.D.B. & M.

Dollar Point, Unit No. 1, M.O.R. Bk. F, Pg. 73
Dollar Point, Unit No. 2, M.O.R. Bk. G, Pg. 7
Survey M.O.R. Bk. 2, Pg. 71

93-09

This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or supercede local ordinances. Official information concerning the size or use of any parcel should be obtained from recorded documents and local governing agencies.

1" = 100'

TAHOMA AVE. W6005

TAHOMA

DARDANELLES W6007

OBSERVATION DRIVE

EDGEWATER DRIVE W6001

W6002

PATH

M.O.R. G-7

M.O.R. F-73

092

091

093

094

10

24

08

07

APPROX. HIGH WATER MARK

APPROX. LOW WATER MARK

LAKE TAHOE

9-10-90
2-14-83
1-27-83
3-80
5-78
2-78
1-78
5-77
11-74

NOTE-Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.93-Pg.09
County of Placer, Calif.

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

After recording return to:
TAHOE CITY PUBLIC UTILITY DISTRICT
Box 33, Tahoe City, California

16029

For Recorder's Use Only 93-094-11 291

(402) pd 9/26/67 #284

EASEMENT

VICTOR & AUDREY FELLOWS as GRANTOR(S), in consideration of value paid by TAHOE PUBLIC UTILITY DISTRICT, a body politic, as GRANTEE, receipt of which is hereby acknowledged, hereby GRANT(S) to GRANTEE an EASEMENT for the purposes of installing, constructing, completing, repairing, maintaining, operating, replacing, and reconstructing a SEWER line or lines and related facilities and appurtenances, together with a right of way therefore, within, along, under, and upon the following described real property situated in the COUNTY OF PLACER, STATE OF CALIFORNIA, and described as follows:

All that portion of Lot 43 of Dollar Point Unit No. 1, per map filed in the office of the County Recorder of Placer County, California in Book F of Maps on Page 73, described as follows:

Beginning at the Southwest corner of said Lot 43; thence North 2°32' East 10.0 feet; thence North 89°31'15" East 80.1 feet more or less to the East line of said Lot 43; thence South 2°32' West 15.0 feet; thence South 81°54'30" West 6.03 feet; thence North 85°59'30" West 74.09 feet to the point of beginning.

TOGETHER WITH a temporary working easement for construction described as follows:

A temporary right of way and easement 10 feet in width contiguous to and North of the Northerly line of the above described easement.

VOL 1170 OC 037

Said temporary working easement shall automatically terminate upon the date of acceptance of said SEWER line by DISTRICT as being complete and operable, or on December 31st, 19 69, whichever shall first occur.

GRANTOR(S) further grants to GRANTEE: The perpetual right of ingress to and egress from said EASEMENT for the purpose of exercising, performing, and protecting GRANTEE'S rights and privileges hereunder: PROVIDED such rights of ingress and egress shall be executed so as to cause the least practicable damage and inconvenience to GRANTOR(S).

GRANTEE covenants and agrees with GRANTOR(S): (1) To replace or cause to be replaced the easement area and the temporary easement area heretofore described in as near its condition prior to undertaking any work as is reasonably practicable; (2) to indemnify GRANTOR(S) against loss or damage caused by any wrongful or negligent act or omission of GRANTEE or of its agents or employees in the course of their employment as may be provided for in the CALIFORNIA PUBLIC ENTITY TORT CLAIMS ACT.

GRANTOR(S) reserved the right to use said strip for purposes which will not interfere with GRANTEE'S full enjoyment of the rights and privileges herein granted: PROVIDED HOWEVER, the GRANTOR(S) shall not erect, construct, or maintain any building or structure, nor make any excavation within or drill or operate any well, nor add to the ground level within or upon said strip without first obtaining written consent of GRANTTEE so to do.

The provisions hereof shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto, and covenants shall run with the land.

IN WITNESS WHEREOF, GRANTOR(S) have executed these presents this _____ day of _____, 19____.

FOR NOTARIES USE ONLY

STATE OF CALIFORNIA }
County of San Francisco } ss.

On Aug 29th, 1967, before me the undersigned a Notary Public in and for the County of San Francisco personally appeared Victor Fellows & Audrey Fellows known to me to be the person S whose name subscribed to the within instrument, and did duly acknowledged to me that the X executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

My commission expires April 11, 1971

Mary Stoll (MARY STOLL)

Notary Public in and for the County of San Francisco State of California

MARY STOLL
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO

OFFICIAL RECORDS
PLACER COUNTY-CALIF.
RECORD REQUESTED BY
Grantee
SEP 29 10 44 AM 1967
CLAYTON J. GOODPASTOR
COUNTY RECORDER

16029 NO FEE REQUIRED

Victor Fellows

Audrey Fellows

(GRANTOR(S)

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

Maggie O'Donnell

From: Matt Homolka <mhomolka@tcpud.org>
Sent: Wednesday, February 05, 2020 4:00 PM
To: Josh Floum; Maggie O'Donnell
Cc: Sean Barclay; Steve Gross (gross@portersimon.com)
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell and Mr. Floum,

The TCPUD is not permitted, at this time, to place any fill material in Lake Tahoe. As I expressed to you by phone, If we were permitted to do so, we would be willing to place materials over the pipe. It is in our interest do so for the protection and security of the pipeline itself.

Sincerely,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342
www.tcpud.org

The mission of the TCPUD is to serve the people, our community, and its environment. It is our responsibility to provide safe and reliable water service, sewer service for the protection of public health, and parks and recreation services to enhance quality of life.

RECIPIENT OF THE DISTRICT TRANSPARENCY CERTIFICATE OF EXCELLENCE – since 2016

From: Josh Floum [mailto:joshfloum@gmail.com]
Sent: Tuesday, February 4, 2020 12:00 PM
To: Maggie O'Donnell <maggieod@comcast.net>
Cc: Matt Homolka <mhomolka@tcpud.org>; Sean Barclay <sbarclay@tcpud.org>; Charley Miller <cmiller@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: Re: TCPUD Conditional Permit Appeal 3328 Edgewater

Hello all,

To be clear, we have a claim against TCPUD because I called in the pipe break over a WEEK before anyone came out to the site. During that time thousands of gallons of raw sewage unnecessarily spilled into the lake right in front of our house. We intend to litigate that claim for damages unless we reach an agreement on suitable remediation.

We are trying to be as reasonable as possible. All we are asking is for the pipe and other hardware to be sustainably buried out of sight. Your assurances to this effect will shortcut any need for acrimony

Thanks and regards,

Josh Floum

Sent from my iPhone

On Feb 4, 2020, at 11:25 AM, Maggie O'Donnell <maggieod@comcast.net> wrote:

Thanks Matt. I'm also looping my husband Josh Floum into the group as he should be part of our correspondence. Our statement of appeal will be filed this week with TRPA. What is the position of TCPUD regarding burying the pipe? Are you willing to do so or opposed to doing so?

Best,

Maggie O'Donnell

From: Matt Homolka [mailto:mhomolka@tcpud.org]
Sent: Wednesday, January 29, 2020 3:22 PM
To: Maggie O'Donnell
Cc: Sean Barclay; Charley Miller; Tony Laliotis
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell,

This email is a follow up to our telephone conversation last week, Tuesday, January 21st. Thank for you time and your frankness. It is helpful for us to understand fully your concerns. I am happy to continue our conversation if you would like to schedule another call or a meeting.

During our call, you requested a document that was referred to in our January 10, 2018 Sewer & Water Committee agenda. In response to that request, we are providing the attached DRAFT Technical Memorandum - Condition Assessment and Pipe Testing Summary for Dollar Edge (sic) Collection System dated December 15, 2017 prepared by HDR, which is the document that was reviewed at that January Committee meeting. This document is a draft and has not been commented on by District staff nor has it been finalized. Also attached are the full lab results for Samples 1 and 10 (the two associated with the Edgewater Sewer Line)

Please let me know if you have any questions or would like to discuss anything further.

Sincerely,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342
www.tcpud.org

<image001.png>

From: Maggie O'Donnell [mailto:maggieod@comcast.net]
Sent: Tuesday, January 21, 2020 9:04 AM

To: Matt Homolka <mhomolka@tcpud.org>
Cc: Sean Barclay <sbarclay@tcpud.org>; Charley Miller <cmiller@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Matt,

I'm sorry I missed your emails on Friday. They went to my spam folder for some reason and I'm just finding them now. I am available now and will try to give you a call.

Best,

Maggie O'Donnell

From: Matt Homolka [mailto:mhomolka@tcpud.org]
Sent: Friday, January 17, 2020 3:44 PM
To: Maggie O'Donnell
Cc: Sean Barclay; Charley Miller; Tony Laliotis
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell, I am sorry that we could not connect today. I am available on Tuesday, Jan. 21 any time between 8am-4pm, excepting 10-11 and 1-2. I am available on Wednesday Jan. 22 between 1-4pm. If those do not work I also have availability on Thursday and Friday. Thanks and have a nice weekend,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342
www.tcpud.org

<image002.png>

From: Matt Homolka
Sent: Friday, January 17, 2020 11:50 AM
To: Maggie O'Donnell <maggieod@comcast.net>
Cc: Sean Barclay <sbarclay@tcpud.org>; Charley Miller <CMiller@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell,

We are indeed the right people to talk to. I am available by phone today from 1 to 3 pm. Otherwise we can arrange a meeting next week.

Thanks,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342

www.tcpud.org

<image002.png>

From: Maggie O'Donnell [mailto:maggieod@comcast.net]
Sent: Friday, January 17, 2020 11:14 AM
To: Tony Laliotis <tlaliotis@tcpud.org>
Cc: Matt Homolka <mhomolka@tcpud.org>; Sean Barclay <sbarclay@tcpud.org>; Charley Miller <cmiller@tcpud.org>
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Tony,

Not sure Engineering is the right contact for what I want to discuss but maybe it is. I am on a deadline to file our Statement of Appeal and I will be forced to put in all kinds of evidence and make arguments that I'd rather discuss with you guys first so as not to unduly escalate matters. So the sooner we connect the better for all I think.

Thanks much,

Maggie O'Donnell
415-250-2567

From: Tony Laliotis [mailto:tlaliotis@tcpud.org]
Sent: Friday, January 17, 2020 11:02 AM
To: Maggie O'Donnell
Cc: Matt Homolka; Sean Barclay; Charley Miller
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Maggie,

Our Engineering Department will be following up with you on this project. Hope you guys had a nice holiday and are enjoying all the great snow!

Tony Laliotis
Director of Utilities
Tahoe City Public Utility District
530.580.6053 Direct
530.583.3796 Main Office ext. 353
www.tcpud.org

<image003.jpg>

From: Maggie O'Donnell [mailto:maggieod@comcast.net]
Sent: Thursday, January 16, 2020 2:05 PM
To: Tony Laliotis <tlaliotis@tcpud.org>
Subject: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Tony,

Happy New Year! You likely already heard, but I'm reaching out to let you know that we have filed an appeal to the TRPA permit application that was heard on December 19, 2019. As you know, we are very

concerned about having the sewer pipe re-buried. I am currently preparing our Statement of Appeal and before I submit anything in writing to TRPA, I would like to discuss the situation with you. It seems that really, this matter is primarily between us and the TCPUD although if we were forced to file a lawsuit we would wind up naming both parties.

Is there a time that we could chat by phone? My number is 415-250-2567. Feel free to give me a call at your convenience. I'm around the rest of this afternoon or tomorrow. Or, if you like we can set a mutually convenient time by email.

Thank you,

Maggie O'Donnell

Back to usage
Data, text & talk logs
Print |

Download

Device:Billing period:
MARGARET ODONNELL | 415.706.9790
Previously Billed Usage
Jan 06, 2019 - Feb 05, 2019
View details by:
Talk
Show:

Nicknames

Numbers
Nickname a number
Manage contacts
Search by:
Date
Date
Ex: mm/dd/yyyy

Date / Time	Contact	Location	Call Type	Minutes	Charge ($)
01/15/2019 09:17AM	Maggie	San Rafael, CA	SDDV	1	0.00
01/15/2019 09:22AM	Den Satake	San Rafael, CA	SDDV	3	0.00
01/15/2019 10:01AM	Den Satake	Incoming, CL	SDDV	2	0.00
01/15/2019 10:06AM	Maggie	San Rafael, CA	SDDV	1	0.00
01/15/2019 11:10AM	Maggie	Incoming, CL	SDDV	2	0.00
01/15/2019 11:24AM	121387243714	Incoming, CL	SDDV	1	0.00
01/15/2019 02:02PM	800.772.0101	Incoming, CL	SDDV	1	0.00
01/15/2019 05:47PM	Maggie	Incoming, CL	SDDV	3	0.00
01/16/2019 09:54AM	Maggie	San Rafael, CA	SDDV	1	0.00
01/16/2019 10:15AM	Maggie	San Rafael, CA	SDDV	1	0.00
01/16/2019 11:31AM	Maggie	Incoming, CL	SDDV	3	0.00
01/16/2019 11:35AM	415.203.7700	Incoming, CL	SDDV	1	0.00
01/16/2019 02:02PM	Phillips	Incoming, CL	SDDV	30	0.00
01/16/2019 02:32PM	Phillips	Snfc Cntrl, CA	SDDV	1	0.00
01/17/2019 09:20AM	415.384.0506	Millvalley, CA	SDDV	1	0.00
01/17/2019 10:41AM	415.383.3056	Incoming, CL	SDDV	1	0.00
01/17/2019 10:41AM	415.384.0506	Incoming, CL	SDDV	1	0.00
01/17/2019 10:43AM	415.384.0506	Incoming, CL	SDDV	1	0.00
01/17/2019 02:17PM	888.800.3400	Toll Free, CL	SDDV	10	0.00
01/18/2019 09:51AM	Danny	Snfc Cntrl, CA	SDDV	4	0.00
01/18/2019 10:58AM	Maggie	San Rafael, CA	SDDV	1	0.00
01/18/2019 11:00AM	Maggie	Incoming, CL	SDDV	1	0.00
01/18/2019 11:18AM	510.508.2997	Okld Mn-Pd, CA	SDDV	1	0.00
01/18/2019 11:57AM	Maggie	Incoming, CL	SDDV	2	0.00
01/18/2019 12:10PM	Maggie	San Rafael, CA	SDDV	5	0.00
01/18/2019 03:25PM	415.388.5208	Millvalley, CA	SDDV	2	0.00
01/18/2019 03:49PM	Ferris	Incoming, CL	SDDV	4	0.00
01/18/2019 05:17PM	Dr. Belknap	Incoming, CL	SDDV	2	0.00
01/19/2019 10:11AM	Ferris	Reno, NV	SDDV	3	0.00
01/19/2019 11:54AM	Ferris	Incoming, CL	SDDV	2	0.00

Date / Time	Contact	Location	Call Type	Minutes	Charge ($)
01/19/2019 12:14PM	Ferris	Reno, NV	SDDV	1	0.00
01/19/2019 02:15PM	Ferris	Reno, NV	SDDV	1	0.00
01/19/2019 02:40PM	Maggie	San Rafael, CA	SDDV	1	0.00
01/20/2019 12:07PM	Aegis	Incoming, CL	SDDV	5	0.00
01/21/2019 10:30AM	Jess	San Rafael, CA	SDDV	1	0.00
01/21/2019 10:58AM	415.782.9552	Incoming, CL	SDDV	1	0.00
01/21/2019 11:03AM	Maggie	San Rafael, CA	SDDV	2	0.00
01/21/2019 11:46AM	Ferris	Reno, NV	SDDV	3	0.00
01/21/2019 12:19PM	Ferris	Reno, NV	SDDV	1	0.00
01/22/2019 08:47AM	Jess	Incoming, CL	SDDV	3	0.00
01/22/2019 08:52AM	Jess	Incoming, CL	SDDV	5	0.00
01/22/2019 09:54AM	Maggie	Incoming, CL	SDDV	7	0.00
01/22/2019 10:10AM	Maggie	San Rafael, CA	SDDV	13	0.00
01/22/2019 10:22AM	530.583.8100	Ntah Thcy, CA	SDDV	2	0.00
01/22/2019 10:24AM	530.583.8100	Ntah Thcy, CA	SDDV	1	0.00
01/22/2019 10:26AM	530.583.8100	Ntah Thcy, CA	SDDV	1	0.00
01/22/2019 01:38PM	Jess	Incoming, CL	SDDV	3	0.00
01/23/2019 09:14AM	530.583.3796	Ntah Thcy, CA	SDDV	3	0.00
01/23/2019 02:00PM	510.859.9120	Incoming, CL	SDDV	22	0.00
01/23/2019 04:00PM	Phillips	Incoming, CL	SDDV	43	0.00
01/25/2019 08:58AM	Jess	Incoming, CL	SDDV	4	0.00
01/25/2019 10:03AM	Meislin	Snfc Cntrl, CA	SDDV	1	0.00
01/25/2019 11:48AM	Meislin	Incoming, CL	SDDV	2	0.00
01/25/2019 11:54AM	530.583.3796	Ntah Thcy, CA	SDDV	2	0.00
01/25/2019 05:37PM	619.985.8500	San Diego, CL	SDDV	1	0.00
02/03/2019 02:12PM	Paul	Incoming, CL	SDDV	6	0.00
02/04/2019 09:46AM	775.842.9377	Reno, NV	SDDV	2	0.00
02/04/2019 09:48AM	530.583.3796	Ntah Thcy, CA	SDDV	29	0.00
02/04/2019 10:51AM	775.842.9377	Incoming, CL	SDDV	22	0.00
02/04/2019 11:19AM	Aegis	Cortmadera, CA	SDDV	1	0.00
02/04/2019 04:00PM	510.859.9120	Okld Bkly, CA	SDDV	36	0.00
02/04/2019 04:39PM	Danny	Snfc Cntrl, CA	SDDV	19	0.00

-

Totals for this billing period:
112 calls
603 minutes
$0.00
SDDV = Shared Minutes
Incoming Call Outgoing Call
Totals for this billing period:
112 calls
603 minutes
$0.00
SDDV = Shared Minutes
Incoming Call Outgoing Call

Maggie O'Donnell

From: Josh Floum <joshfloum@gmail.com>
Sent: Saturday, June 15, 2019 11:52 AM
To: Tony Laliotis
Cc: Kim Boyd; Sean Barclay; Maggie O'Donnell
Subject: Re: Edgewater Sewer Repair - Follow up

Tony we just got to tahoe. My wife for the first time since winter. She is livid

I have tried to be patient, complementary and understanding through the sewer leak crisis and repair. Now it is time for you to fix our beach and stairs and conceal immediately. It is unuseable and we have guests on the way

Please get back to me asap

Thanks,

Josh

Sent from my iPhone

On Mar 20, 2019, at 4:07 PM, Tony Laliotis <tlaliotis@tcpud.org> wrote:

> Josh,
>
> As you can see from the attached photo, backfilling the pipe was a blind operation and we were being overly cautious about being too aggressive. With the impending storms, we had to remove the silt curtain by yesterday morning and the turbidity needed all of the two plus days we gave it to settle out. We were not allowed to remove the curtain by Lahontan until the turbidity inside and outside the curtain were within 10% of each other. That did not occur until yesterday morning.
>
> We have had some good wind and wave action since then and we are hopeful that mother nature does a better job of evenly distributing the disturbed material. We will revisit the site when things calm down to see how it looks.
>
> **Tony Laliotis**
> **Director of Utilities**
> Tahoe City Public Utility District
> 530.580.6053 Direct
> 530.583.3796 Main Office ext. 353
> www.tcpud.org
>
> ‹image001.jpg›

From: Kim Boyd
Sent: Tuesday, March 19, 2019 8:28 AM
To: Josh Floum <joshfloum@gmail.com>
Cc: Sean Barclay <sbarclay@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: RE: Edgewater Sewer Repair - Follow up

It has to do with the existing shore zone elevation and necessary grade of the pipe's alignment. I will defer to Tony for a more detailed explanation.

Kim Boyd
Senior Management Analyst
Tahoe City Public Utility District
530.580.6286 Direct
530.583.3796 Main Office ext. 386
www.tcpud.org

‹image001.jpg›

From: Josh Floum [mailto:joshfloum@gmail.com]
Sent: Tuesday, March 19, 2019 8:12 AM
To: Kim Boyd <kboyd@tcpud.org>
Cc: Sean Barclay <sbarclay@tcpud.org>
Subject: Re: Edgewater Sewer Repair - Follow up

Why werent you able to backfill over the pipe? Yes I will be there next week and would like to meet

Sent from my iPhone

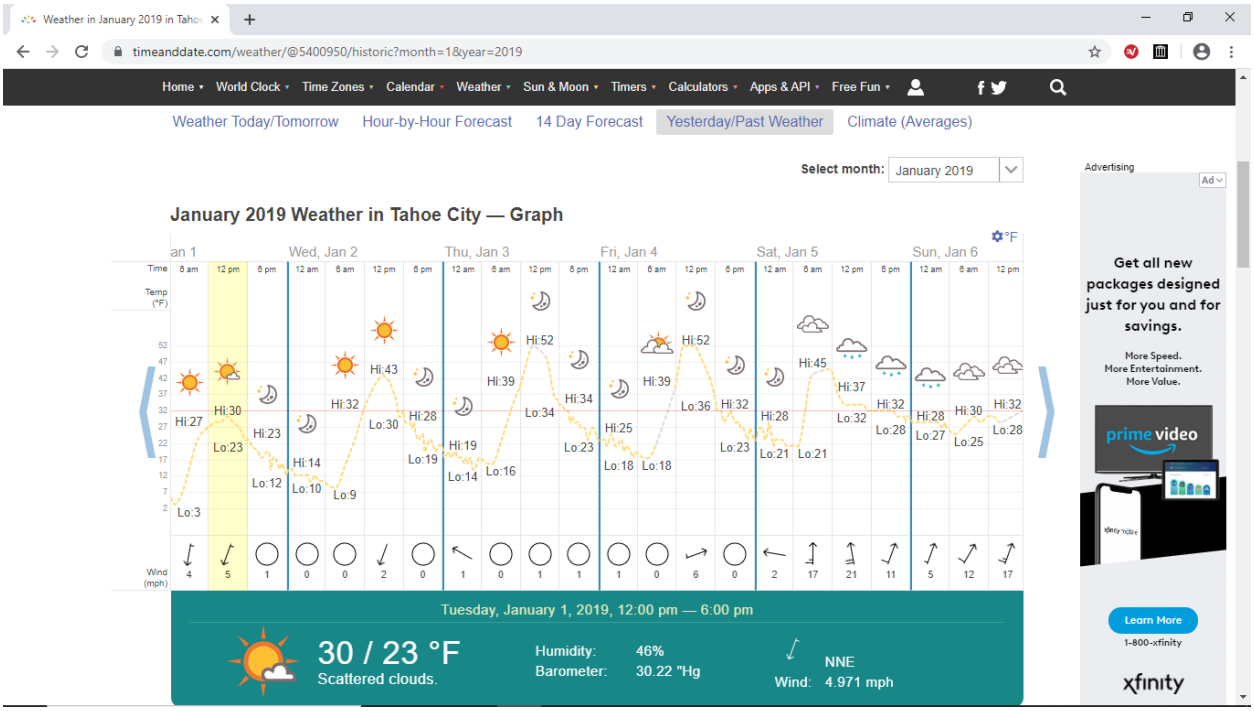
On Mar 19, 2019, at 8:02 AM, Kim Boyd <kboyd@tcpud.org> wrote:

> Good morning Josh,
> Thank you for your time last week to discuss the progress of our sewer line repair and associated impacts to your property. As you are likely already aware, the sewer line repair work was completed over the weekend, and the by-pass has been dismantled. However, we did want you to be aware that we were not able to completely backfill material over the entire length of the pipe. As discussed last week, we will let the lake and wave action settle and stabilize the material in the shore zone around the pipe, and in the coming months we will further assess the pipe's exposure. We understand you are planning to come up soon, please let me know if you would like to meet with Tony at your property.
>
> Thank you,
>
> **Kim Boyd**
> **Senior Management Analyst**
> Tahoe City Public Utility District
> 530.580.6286 Direct
> 530.583.3796 Main Office ext. 386
> www.tcpud.org
>
> ‹image001.jpg›

<backifill.jpg>


Link-Belt

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A


Weather in January 2019 in Tahoe
timeanddate.com/weather/@5400950/historic?month=1&year=2019
Home
World Clock
Time Zones
Calendar
Weather
Sun & Moon
Timers
Calculators
Apps & API
Free Fun
Weather Today/Tomorrow
Hour-by-Hour Forecast
14 Day Forecast
Yesterday/Past Weather
Climate (Averages)
Select month: January 2019
January 2019 Weather in Tahoe City — Graph
Wed, Jan 2
Thu, Jan 3
Fri, Jan 4
Sat, Jan 5
Sun, Jan 6
Tuesday, January 1, 2019, 12:00 pm — 6:00 pm
30 / 23 °F
Scattered clouds.
Humidity: 46%
Barometer: 30.22 "Hg
Wind: NNE 4.971 mph
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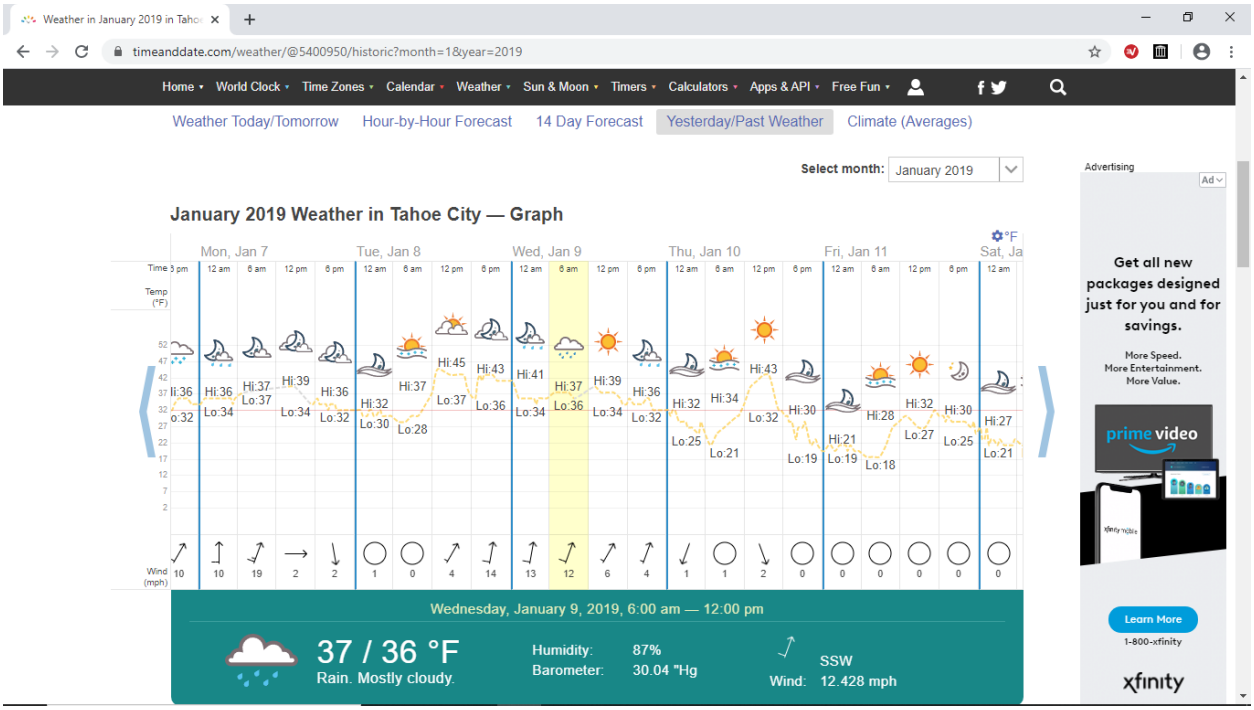
Weather in January 2019 in Tahoe
timeanddate.com/weather/@5400950/historic?month=1&year=2019
Home
World Clock
Time Zones
Calendar
Weather
Sun & Moon
Timers
Calculators
Apps & API
Free Fun
Weather Today/Tomorrow
Hour-by-Hour Forecast
14 Day Forecast
Yesterday/Past Weather
Climate (Averages)
Select month: January 2019
January 2019 Weather in Tahoe City — Graph
Mon, Jan 7
Tue, Jan 8
Wed, Jan 9
Thu, Jan 10
Fri, Jan 11
Wednesday, January 9, 2019, 6:00 am — 12:00 pm
37 / 36 °F
Rain. Mostly cloudy.
Humidity: 87%
Barometer: 30.04 "Hg
Wind: SSW 12.428 mph
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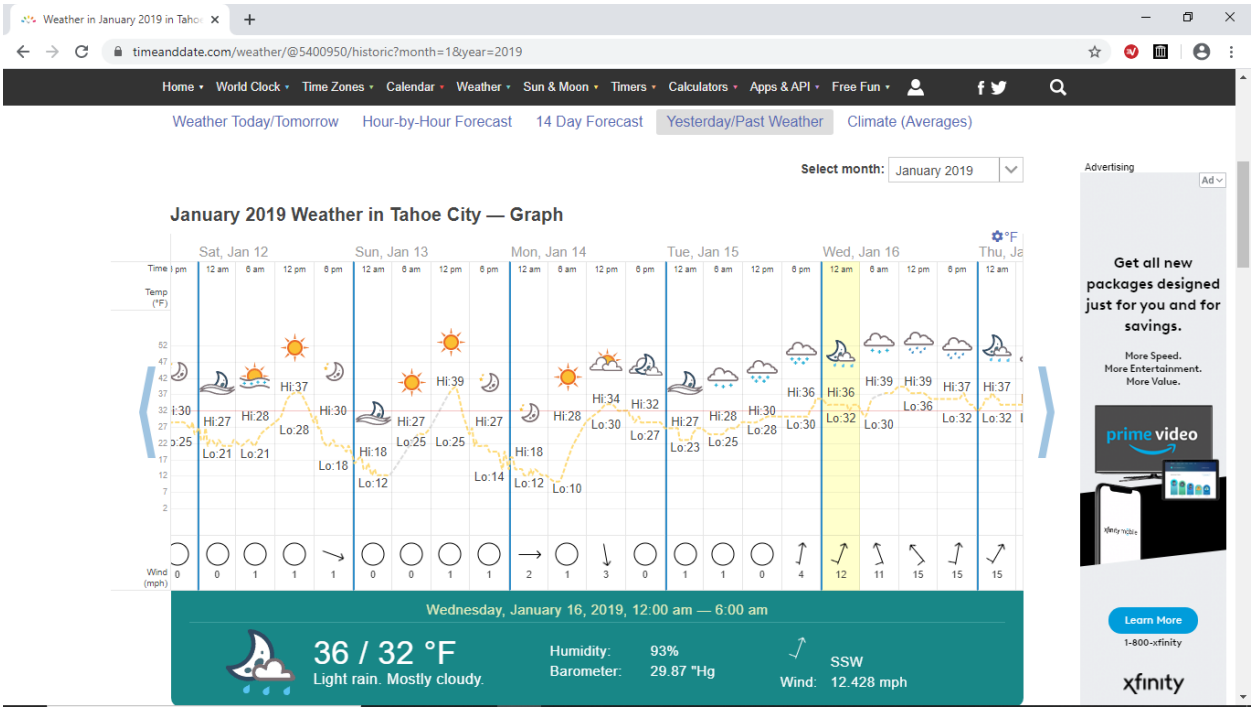
Weather in January 2019 in Tahoe
timeanddate.com/weather/@5400950/historic?month=1&year=2019
Home
World Clock
Time Zones
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Sun & Moon
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Calculators
Apps & API
Free Fun
Weather Today/Tomorrow
Hour-by-Hour Forecast
14 Day Forecast
Yesterday/Past Weather
Climate (Averages)
Select month: January 2019
January 2019 Weather in Tahoe City — Graph
Sat, Jan 12
Sun, Jan 13
Mon, Jan 14
Tue, Jan 15
Wed, Jan 16
Wednesday, January 16, 2019, 12:00 am — 6:00 am
36 / 32 °F
Light rain. Mostly cloudy.
Humidity: 93%
Barometer: 29.87 "Hg
Wind: SSW 12.428 mph
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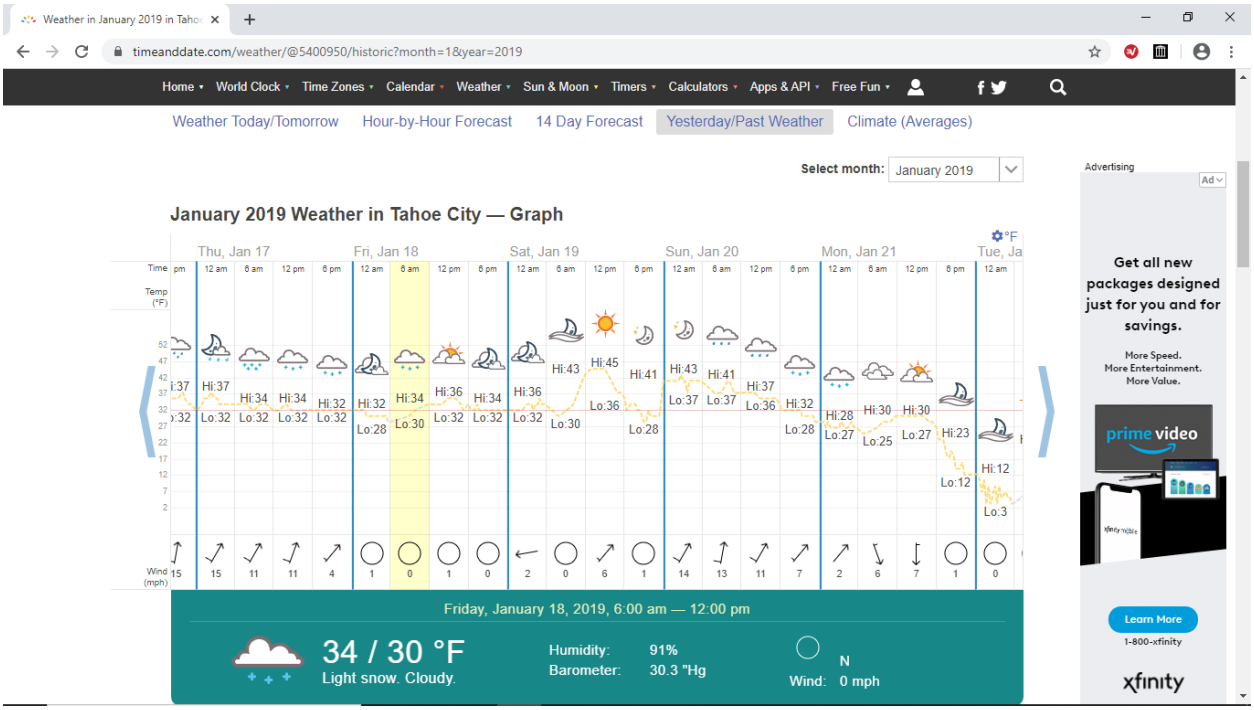
Weather in January 2019 in Tahoe
timeanddate.com/weather/@5400950/historic?month=1&year=2019
Home
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Time Zones
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Sun & Moon
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Apps & API
Free Fun
Weather Today/Tomorrow
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14 Day Forecast
Yesterday/Past Weather
Climate (Averages)
Select month: January 2019
January 2019 Weather in Tahoe City — Graph
Thu, Jan 17
Fri, Jan 18
Sat, Jan 19
Sun, Jan 20
Mon, Jan 21
Friday, January 18, 2019, 6:00 am — 12:00 pm
34 / 30 °F
Light snow. Cloudy.
Humidity: 91%
Barometer: 30.3 "Hg
Wind: N 0 mph
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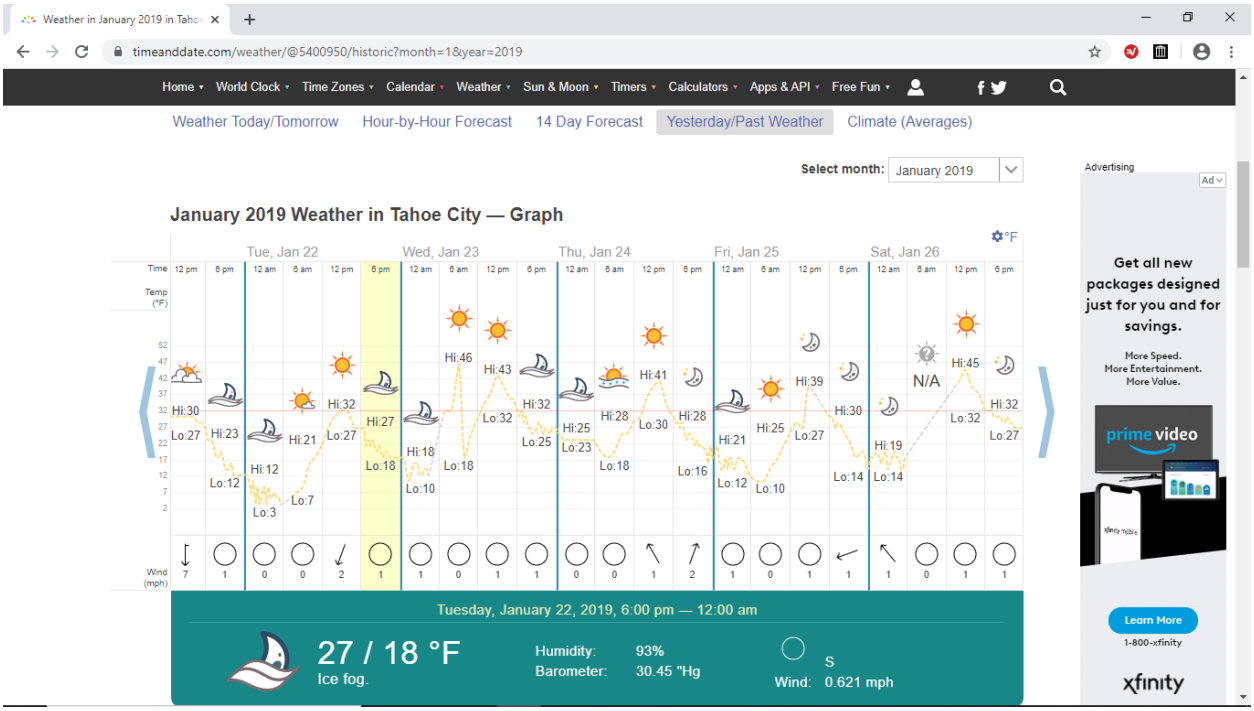
1-800-xfinity
xfinity


Weather in January 2019 in Tahoe
timeanddate.com/weather/@5400950/historic?month=1&year=2019
Home
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Timers
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Apps & API
Free Fun
Weather Today/Tomorrow
Hour-by-Hour Forecast
14 Day Forecast
Yesterday/Past Weather
Climate (Averages)
Select month: January 2019
January 2019 Weather in Tahoe City — Graph
Tue, Jan 22
Wed, Jan 23
Thu, Jan 24
Fri, Jan 25
Sat, Jan 26
Tuesday, January 22, 2019, 6:00 pm — 12:00 am
27 / 18 °F
Ice fog.
Humidity: 93%
Barometer: 30.45 "Hg
Wind: 0.621 mph
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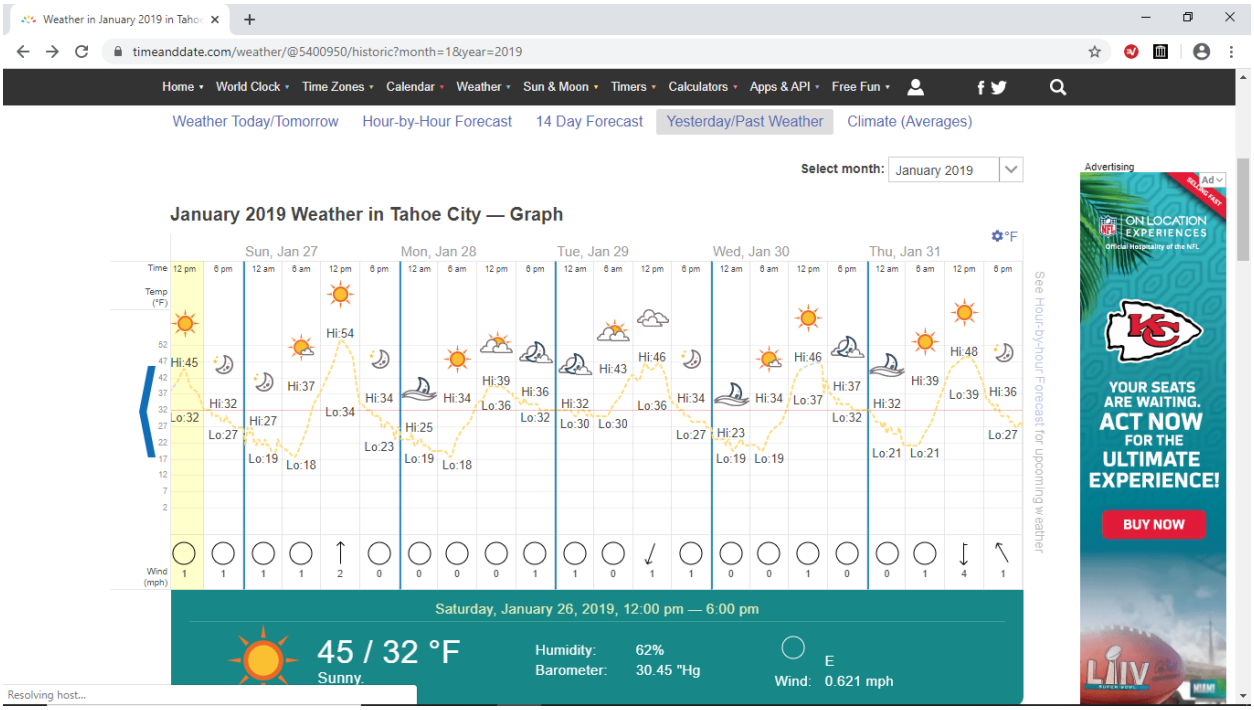
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Hour-by-Hour Forecast
14 Day Forecast
Yesterday/Past Weather
Climate (Averages)
Select month: January 2019
January 2019 Weather in Tahoe City — Graph
Sun, Jan 27
Mon, Jan 28
Tue, Jan 29
Wed, Jan 30
Thu, Jan 31
See Hour-by-Hour Forecast for upcoming weather
Saturday, January 26, 2019, 12:00 pm — 6:00 pm
45 / 32 °F
Sunny.
Humidity: 62%
Barometer: 30.45 "Hg
Wind: 0.621 mph
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ASBESTOS CEMENT PIPE: WHAT IF IT NEEDS TO BE REPLACED?

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ABSTRACT: Asbestos cement (AC) pipe, also known as "transite," was a popular choice of engineers for potable water, sanitary sewer, and storm drain pipelines during the 1940s, 1950s, and 1960s. AC pipe was touted for its light weight and ease of handling, low coefficient of friction (Manning's "n" = 0.010), and corrosion resistant properties. An estimated 600,000 miles of AC pipe were installed in the U.S. and Canada.

Due to health concerns associated with the manufacturing process, production of AC pipe ceased in the United States in the early 1970s. The U.S. Environmental Protection Agency (EPA) issued a complete ban on all asbestos-containing products in 1979, but was defeated in the U.S. Fifth Circuit Court of Appeals and the ban was lifted. The Court did, however, reinforce the EPA's responsibility to regulate asbestos.

Hundreds of thousands of miles of AC pipe are beyond or are approaching the end of their 50-year design lives. Two very effective technologies for replacing AC pipe are pipe bursting and pipe reaming. However, existing regulations limit the use of these trenchless construction methods.

Many public agency officials and engineers are not familiar with the regulations restricting pipe bursting and pipe reaming of AC pipe. Regulatory application is not consistent from one state to the next, or even within the same state in many instances. Enforcement is occurring much more frequently; however, and it is important for those in our industry to clearly understand the restrictions. This paper will examine the regulations on AC pipe rehabilitation and replacement, evaluate the impacts of the restrictions, and discuss the current position of the regulators.

INTRODUCTION

Asbestos cement (AC) pipe became a viable option for water, wastewater, and storm drainage systems beginning in the mid-1940s. The materials used to fabricate AC pipe included Portland cement, up to 12 percent asbestos fibers, water, and silica or silica-containing materials. The pipe was formed under pressure and heat cured in an autoclave. The presence of the asbestos fibers in lieu of reinforcing steel provided adequate strength with lower weight. In addition to its light unit weight, AC pipe was marketed as having very good resistance to the effects of hydrogen sulfide corrosion and soils that were aggressive to steel, and low operating costs because the smooth walls of the pipe provided low friction factors. The major U.S. manufacturers of AC pipe are shown in Table 1.

Table 1. Manufacturers of Asbestos Cement Pipe

Company Name	Headquarters Location
Cement-Asbestos Product Company	Woodward, Alabama
Certain-teed Products, Company	Ambler, Pennsylvania
Flintkote Company (Orangeburg Mfr. Div.)	Orangeburg, New York
Johns-Manville Company	New York, New York

AC pipe was manufactured in four different classes, for various applications. Each type of pipe was manufactured to specific ASTM standards. The individual characteristics for each material are shown in Table 2. Each section of pipe and each fitting were marked with the size and pipe class, manufacturer's

name or trademark, and date of manufacture. Each rubber gasket was also marked with the manufacturer's trademark and date of manufacture.

Table 2. Characteristics of Asbestos Cement Pipe

Type of Pipe	Typical Use	ASTM Standard	Size Range (in.)	Crush Strength (lb/ft)	Pressure Class (psi)
Nonpressure	Sanitary sewers	C 428	4–42	1,500–7,000	--
Pressure	Local water mains, sewer force mains	C 296	4–18	4,100–17,400	100, 150, 200
Storm Drain	Storm drains	C 663	4–42	1,500–3,750	--
Transmission	Water mains	C 668	6–42	2,000–42,000	300–900

Due to its light unit weight, relatively low installation cost, superior corrosion resistance, and low friction factor (Manning's "n" = 0.010), AC pipe was very popular during the 1950s, 1960s, and early 1970s. Vitrified clay pipe provided a competitive alternative for use in sanitary sewer systems, but AC pipe soon became the pipe of choice for water and storm drainage systems. A survey conducted by the American Water Works Association (AWWA) in 2004 found that, on average, AC pipes constitute approximately 15–18 percent of the nation's water distribution and transmission systems. In North Carolina, AC pipe comprises nearly 5,000 miles of pipeline or approximately 6.5 percent of all water mains installed. The amount of AC pipe installed in various entities within North Carolina ranges from zero to ninety-eight (98) percent. This illustrates that there is a substantial quantity of AC pipe installed in North Carolina and is quite prevalent in some communities.

Communities that experienced significant growth during the 1950s and 1960s, however, constructed their infrastructure systems when the use of AC pipe was prevalent. These cities have percentages of AC pipe that are much higher than the national average, especially if one or more AC pipe manufacturing facilities were located nearby. Through our research, we found that AC pipes comprised from 50-80% of typical storm drain systems in the western U. S. and Canada; water systems included 40-75% AC pipes; sewer systems included 10-25% AC pipe (mostly in force mains). Usage rates as found through our literature search for the various systems are shown in Figure 1. As a comparison, the AWWA survey of 50 responding communities (mainly large municipalities in the eastern U. S.) reported that 15% of infrastructure systems are comprised of AC pipe as a national average. Overall, it is estimated that more than 600,000 miles of AC pipe are in use throughout the U.S and Canada.

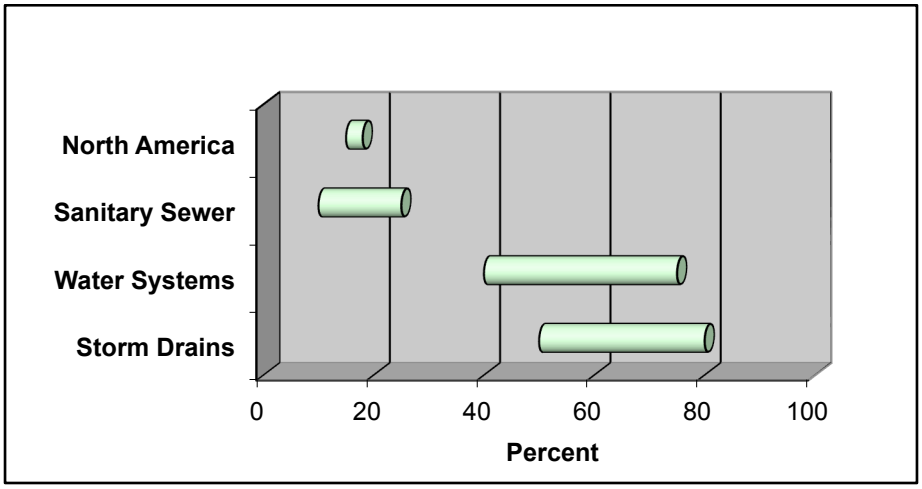

Figure 1. Asbestos cement pipe was used extensively in water and storm drainage systems built between 1950 and 1969

Under certain conditions, AC pipe has experienced failures at rates that are similar to other pipe types during their 50-year design lives. However, many public agencies have reported significantly higher failure rates for AC pipe than for other pipe materials. Ironically, the major factor in predicting failures of AC pipe appears to be aggressive soils—one of the conditions that AC pipe was supposed to protect against. Overall, however, studies have shown that the failure rate for AC pipe increases dramatically with age. After 50 years of use, AC pipe failure rates are about one per year per mile of pipe.

THE HISTORY OF ASBESTOS REGULATION

In 1973 the National Emissions Standards for Hazardous Air Pollutants (NESHAP) was implemented by the United States Environmental Protection Agency (EPA) when it was determined that asbestos was a leading contributor to asbestosis and certain forms of cancer. Through NESHAP, the EPA sought to protect the public by controlling exposure to asbestos during the milling, manufacture, common use, spraying, renovation, demolition, and disposal of more than 3,000 asbestos-containing products.

Effectively regulating such a large class of diverse products proved to be a daunting task. In 1979 the EPA announced its intent to ban all asbestos-containing materials. By 1986 the EPA proposed a rule to ban asbestos. The EPA's Asbestos Ban and Phaseout Rule was published in the Federal Register[1] in 1989, proposing to eliminate all asbestos-containing materials in three stages between 1990 and 1997.

The Asbestos Information Administration and the Asbestos Institute (with major funding from the government of Canada) conducted significant lobbying efforts against the Asbestos Ban and Phaseout Rule. One large manufacturer of asbestos-containing products, Corrosion-Proof Fittings, successfully sued the EPA to block implementation of the ban. The U.S. Fifth Circuit Court of Appeals ruled that the EPA had failed to present a compelling case for banning all asbestos-containing materials. The Court did, however, reinforce the EPA's responsibility to regulate asbestos, and new products containing asbestos were banned.

The impact on the asbestos pipe industry was uncertainty and fear. After 1973, the asbestos fiber content in AC pipe was reduced from 12 percent to less than 0.2 percent. By the 1980s the popularity of AC pipe had waned dramatically due to fears of liability and the availability of PVC pipe. Manufacturers stopped producing AC pipe in the United States; however, the machines were moved to other countries (including Mexico and Saudi Arabia), and AC pipe is still produced and available today.

ASTM Subcommittee C17.03 remains active and tasked with maintaining a series of ASTM specifications related to the manufacture, installation, and testing of AC pipe. Table 3 lists the ASTM specifications for AC pipe.

Table 3. Asbestos Cement Pipe ASTM Specifications

Specification Number	Subject
C296	Pressure Pipe
C428	Non-pressure Sewer Pipe
C458	Organic Fiber Content
C500	Test Methods for AC Pipe
C663	Storm Drain Pipe
C668	Transmission Pipe
C966	Installing AC Non-pressure Pipe
D1869	Rubber Rings for AC Pipe

Table 4 shows the AC pipe standards promulgated by the American Water Works Association (AWWA). In November 2008, the AWWA withdrew its AC pipe standards.

Table 4. Asbestos Cement Pipe AWWA Specifications

Specification Number	Subject
C400	Pressure Pipe, 4”-16”
C401	AC Pipe Selection, 4”-16”
C402	Pressure Pipe, 18”-42”
C403	AC Pipe Selection, 18”-42”

REGULATIONS FOR AC PIPE

In most states, public agencies are *not* required to remove and replace AC pipe. Studies have indicated that, in normal use, AC pipe does not pose a threat to public health; however, certain activities—including tapping, cutting, crushing/removing, and disposing—are regulated.

Contrary to common belief, in many states specially licensed contractors are not required when working with AC pipe. Many states have developed programs to train individual employees in safe practices involving the regulated AC pipe practices. These training programs provide an employer exemption for registration requirements. In addition, guidelines have been established for licensing of course providers in order to extend the available training resources while maintaining consistency in content and message.

The EPA has addressed replacement of AC pipe using the pipe bursting method. In a letter issued July 17, 1991, the EPA stated its position that “the crushing of asbestos cement pipe with mechanical equipment would cause this material to become ‘regulated asbestos containing material’ (RACM)” and “. . . the crushed asbestos cement pipe in place would cause these locations to be considered active waste disposal sites and therefore, subject to the requirements of §61.154 (NESHAP).” Furthermore, in this same letter, the EPA goes on to advise that “In order to avoid the creation of a waste disposal site which is subject to the Asbestos NESHAP, the owners or operators of the pipe may want to consider other options for dealing with the abandoned pipe.” Since the EPA’s letter did not specifically identify pipe bursting, interpretation of the intent was inconsistent throughout the industry.

260-foot Exclusion: NESHAP includes an important exclusion for pipeline replacements. This exclusion allows single renovations of up to 260 linear feet or within a calendar year for nonscheduled operations. Although the exclusion was likely intended to allow some flexibility for small replacement projects, the exclusion also provides us with the opportunity to pilot test rehabilitation methods for AC pipe and test the impacts of construction.

CURRENT EPA ACTIVITIES

Key EPA staff members continue to survey the industry to learn about pipe bursting, pipe reaming, and AC pipe. They are trying to gain an in-depth understanding of the rehabilitation techniques in order to determine the extent to which pipe bursting or pipe reaming of AC pipes constitutes a threat to public health. They are also trying to determine whether existing restrictions are reasonable (either too much or too little).

Currently, the EPA staff has expressed a preference for pipe reaming over pipe bursting because reaming can remove a portion of the asbestos pipe fragments through the downstream receiving pit. Pipe bursting, on the other hand, leaves all of the broken pieces of pipe entombed in the soil surrounding the new pipe. Concerns seem to be centered on possible exposures during future excavations.

A pair of Florida contractors have recently (separately) approached the EPA in Washington D.C. to request issuance of a perpetual notification determination that would allow pipe bursting of AC pipe in the

State of Florida. EPA, through their lawyers and biologists, wanted to know what studies had been done to guarantee that the asbestos fibers wouldn't migrate up through the soil, groundwater and pavement to become airborne. Based on the meetings to date, EPA is willing to allow pipe bursting on a case-by-case basis, but it will not issue a unilateral exemption from notification of the potential impacts inherent to this type of project.

Independently, organizations such as the Government Regulations Subcommittee of the International Pipe Bursters Association (IPBA) are trying to develop a science-based argument with which to approach the EPA. The goal is to convince the EPA to modify the AC pipe regulations to specifically address the public health impacts of replacement by pipe bursting or pipe reaming. In the meantime, the EPA and local air quality boards are aggressively enforcing current restrictions.

SPECIFIC STATE REGULATIONS

The EPA has delegated administration and enforcement of asbestos regulations to many of the individual states. Program administration often falls to a statewide department that enforces many environmental policies. In North Carolina, enforcement of the NESHAP regulations is managed by the Health Hazards Control Unit of the Division of Public Health of the North Carolina Department of Health and Human Services. There are also three local programs in the State of North Carolina responsible for enforcing the NESHAP regulations within their jurisdiction. These three programs are the WNC Regional Air Pollution Control Agency of Buncombe County, the Environmental Affairs Department of Forsyth County, and the Department of Environmental Protection of Mecklenburg County.

As the title of this paper poses, if a segment of asbestos cement pipe needs to be replaced, what are the requirements? Under the North Carolina rules, individual asbestos removals where 160 square feet, 260 linear feet, or 35 cubic feet or greater of RACM is to be demolished or renovated, a permit application is required.

Policies in other states are different. In South Carolina, a project license for the work to be performed must be obtained before beginning work and any person or contractor engaged in this activity must be RACM licensed. In Arizona and New Mexico, AC pipes can be replaced by pipe bursting or pipe reaming following filing of a notice of intent. In Oregon, specially licensed abatement contractors are required to remove and dispose of AC pipe. Oregon is also the only state that requires all AC pipe to be removed if it is exposed for any reason. In Nevada, New Jersey, and New York, specially licensed contractors are required for any work (including taps) performed on AC pipe.

PIPE BURSTING VS. PIPE REAMING FOR AC PIPE

Pipe bursting is a construction method that allows an existing pipe to be replaced with a new pipe of the same or larger diameter with limited excavation. Several different types of equipment, including static, pneumatic, or hydraulic equipment, are available to break the host pipe and pull or push a new pipe into the open cavity. As recently as 2010, the EPA cited pipe bursting as an effective means for rehabilitating force mains[2] and wastewater collection systems[3].

Pipe reaming is similar to pipe bursting in that it is a process to replace an existing pipe with a new pipe of the same or larger diameter; however, the equipment used to create the cavity involves modified horizontal directional drilling equipment. Whereas in pipe bursting, the host pipe is broken into fragments and pushed into the surrounding soil, in pipe reaming, the host pipe is ground into smaller fragments.

During pipe reaming, drilling fluid is pumped into the borehole to flush pipe fragments and soil to the downstream receiving pit. The mixture of mud, soil, and pipe fragments can be collected for disposal. When the host pipe is AC, the collected mixture must be containerized and disposed of at an appropriate landfill site. This ability to contain and appropriately dispose of the AC pipe fragments is the primary reason that the EPA favors pipe reaming. To date, no studies have been done to quantify how much of the pipe is recovered during reaming, but an EPA staff member was quoted in offering an opinion that up to 90% of the pipe fragments may be removed.

Whereas pipe reaming is a patented process, the patent on pipe bursting has expired. There are far more contractors who are experienced pipe bursters. The number of projects completed by pipe bursting is much greater than pipe reaming. Only a few projects resulting in installation of pipes over 18 inches have been performed by pipe reaming. Pipe bursting can be used to install pipe up to 48 inches in diameter. The unit cost of pipe bursting is less than pipe reaming.

Certain EPA staff members are of the opinion that matters such as number of contractors, installation size range, and cost are market driven. If there is more demand for pipe reaming, then more contractors will become licensed and experienced, resulting in a wider installation range and more competition (leading to lower costs).

THE FUTURE OF AC PIPE REPLACEMENT

Hundreds of thousands of miles of AC pipe are reaching the end of their 50-year useful lives and will need to be replaced soon. Each engineer, contractor, and public official responsible for replacing AC pipe should be aware of the policies in place in the area where they work.

Since the EPA is soliciting input from the industry prior to revising existing regulations regarding replacement of AC pipe, now is an excellent time to contact the EPA to offer the benefit of your knowledge and to voice your opinions. These revisions are critical to our industry and it is important that the EPA have all of the available information in order to make prudent decisions.

The Water Research Foundation is currently leading a study to establish tools to predict the long term performance of AC pipes. Additional research is underway to develop bentonite lubricants that solidify after pipe installation to form a conglomerate with the pipe fragments, similar to a controlled low-strength material used for backfill. Such a product could substantially reduce the risk of future exposure to friable material.

Administrative procedures need to be developed to ensure that AC pipes replaced by either pipe bursting or pipe reaming are adequately marked so that maintenance activities can be properly planned and safely performed. Using the 260-foot exclusion, testing should be conducted to definitely determine the condition of pipe fragments remaining in the soil and the extent of pipe fragment removal accomplished.

REFERENCES

1. Federal Register, Volume 59, pg 41027, August 10, 1994.
2. State of Technology Report for Force Main Rehabilitation United States Environmental Protection Agency, Office of Research and Development, EPA/600/R-10/044, March 2010.
3. State of Technology for Rehabilitation of Wastewater Collection Systems, United States Environmental Protection Agency, Office of Research and Development, EPA/600/R-10/078, July 2010.

Attachment C

March 18, 2020, TCPUD Response to Statement of Appeal and Attachments

TAHOE CITY PUBLIC UTILITY DISTRICT

March 18, 2020

Ms. Tiffany Good
Senior Planner
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89410

Subject: TRPA FILE # ERSP2019-0514 – TCPUD Response to Statement of Appeal from Joshua Floum and Margaret O'Donnell – 3328 Edgewater Drive – APN 093-094-041

Dear Tiffany,

The Tahoe City Public Utility District (TCPUD) has received and reviewed the Statement of Appeal (Appeal) submitted to TRPA on February 7, 2020 by Joshua Floum and Margaret O'Donnell (Appellants). The Appeal is related to TCPUD's Permit ERSP2019-0514 (TRPA Permit), which was issued on December 19, 2019 by TRPA. This letter serves as the TCPUD's response to the Appeal (Response).

This Response is limited to matters in the Appeal related to TRPA's regulations and TRPA's responsibilities in issuing a permit for the emergency work already completed and the work proposed and does not address the various legal matters between the TCPUD and Appellants contained in the Appeal.

In the Appeal, Appellants make several erroneous statements, state matters as fact when they are not, and appear to misunderstand and misrepresent the mechanisms of shorezone dynamics and pipe failure mechanics.

Interactions/Communications between TCPUD and Appellant

During the period between January and April 2019, the TCPUD was in regular direct contact with the Appellants regarding disruptions to their sewer and water service, bypassing plans and associated impacts, weather impacts and associated delays, repair activities and impacts, and the Appellants' schedule for occupying their residence. After the repair was completed, they were contacted to let them know the pipe was repaired and back in service and to coordinate cleanup activities planned for that coming summer.

Shortly before and since the Appeal was submitted, the TCPUD has had a number of communications with the Appellants to answer their questions, explain various misunderstandings, and to attempt to resolve the matter. The TCPUD has replied to all emails answering any questions of the Appellants and has provided all documents that have been requested, including all applications, permits, and permit closeout documents.

In these communications, the Appellants have been clear that their goal is to have the pipe covered with beach sand so that it is not visible to them or otherwise impacting their beach or the pipe is removed entirely. TCPUD staff have discussed the realities of this desire with the Appellants and explained that placing fill within Lake Tahoe is not allowed by the multiple emergency permits and that new permitting

would be required to do so, which permitting could be very difficult to obtain. Further, the placement of beach sand would not be a permanent solution as it would continue to erode and within some amount of time the pipe would become exposed again. The TCPUD has communicated to the Appellants that it would be willing to place such materials if allowed, including that permits from multiple agencies would be required, but would not guarantee the material would remain. Further, The TCPUD has communicated that its interests would be in the construction of a dynamic revetment over the pipe which would remain in place and protect and cover the pipe. The Appellants responded that they would not allow this type of facility and would fight any attempts to implement a revetment project.

While, resolution of this matter between the TCPUD and Appellants appears difficult, the TCPUD is continuing its efforts to address the risks surrounding this particular segment of pipe and the broader risks associated with the entire Dollar-Edgewater Sewer Line of which this segment is a part. The TCPUD is:

- Proceeding with final design and full permitting of the additional 60-foot repair immediately downstream of the emergency repair area, which work is included in the TRPA Permit. It should be noted that this additional repair is not located on Appellants' property.
- Reevaluating the preliminary design work completed to date on the overall Dollar-Edgewater Sewer Line in light of lessons learned from the pipe failure.
- Developing a scope of work for design and permitting of a shoreline revetment/beach replenishment project that could potentially be developed to cover the pipe.

TCPUD Signature on Application / Property Ownership

The TCPUD is the owner of a sewer line easement (Easement) across the Appellants' property (Exhibit C of Appeal). This Easement is a real property interest in the underlying real property of the Appellants and the TCPUD signed the TRPA Application and Permit as the owner of the Easement and the related sewer line. All work already completed and proposed under the TRPA Permit is allowed by the TCPUD's Easement and is located within the Easement.

Replacement Pipe is Same Size as the Previously Existing Pipe

Throughout the Appeal, Appellants claim that the replacement pipe is larger than the pipe that existed prior to the failure. For example, at the end of Page 3 of the Appeal, Appellants state" It should be noted that the original sewer pipe was a 6" ACP (Asbestos Cement Pipe) and the new pipe is now an 8" apparently iron pipe." These claims are erroneous and not supported with evidence. More importantly, the claims are irrelevant.

They are irrelevant because neither TRPA Code nor TCPUD's Easement preclude the changing of pipe diameter if such action is necessary for the public service the TCPUD provides.

They are erroneous because the existing pipe that failed and the existing pipe that is proposed for future replacement was/is 8" asbestos-cement (AC) pipe with AC pipe couplings. The existing AC pipe has an outside diameter of 9.22 inches. The replacement pipe is 8" ductile iron (DI) pipe with flanged joints. The DI pipe has an outside diameter of 9.05 inches.

While it is possible that, in the hundreds of pages of documents related to this facility, there is a misstatement that the pipe is 6-inch nominal diameter, it is an easily documented fact that the existing AC pipe in the area is and was 8-inch. This is shown on the TCPUD's record drawings (SAD-4 – Sheet 20) and was verified by field measurement during the emergency repair.

Replacement Pipe is at the Same Elevation/Location as the Previously Existing Pipe

The Appellants state on Page 4 of the Appeal that "It is not clear that the pipe is, in fact, at the same elevation/location as the previous pipe…" This statement is erroneous, and no evidence is supplied to support the statement.

The sewer system in question is a gravity sewer system, which is therefore grade (elevation) dependent in order to continue to flow. The replacement pipe connects at either end to existing pipes at the elevation of those connection points and is laid on a straight sloped grade between those two points; approximately 0.35% in this location. The fact that the pipe continues to flow freely (based on television inspection), is evidence that the pipe was replaced along the same vertical profile (elevation) as the previous pipe. A similar straight-line argument is evidence that the pipe was also replaced along the same horizontal alignment (location) as the previous pipe.

No Lake Bottom Material was Removed from the Project Area

Throughout the Appeal, Appellants claim that lakebed (or lake bottom) material was removed from the Project Area. For example, at the top of Page 3, Appellants state "…but without question an enormous amount of lake bottom material has been removed and not replaced – thereby exposing the entire length and girth of the new larger pipe to this day." and on Page 2, Appellants state "The documents state that approximately 9 cubic yards of material were removed from the lake bottom but not replaced." They cite only the visibility of the pipe to them as evidence for these claims.

These claims are erroneous and false and a better explanation for the exposure of the pipeline is provided below.

The TCPUD's TRPA Permit Application actually states (at page 48 of Application package) "That project [the emergency repair] included a temporary disturbance of approximately 9 cubic yards (CY) of lake bottom. The same material was used to backfill the pipe trench."

Neither the TCPUD, nor any of its agents, removed any lakebed material from the Project Area. As stated in the TRPA Permit application, all dredged material was placed on the shoreward side of the excavated trench and within the turbidity curtain. All material was returned to the trench. In support of this, the following is offered:

- Removal of lakebed material and/or importing of fill material within the high water bounds of Lake Tahoe is illegal and is not allowed by any of the multiple permits required for the proposed repair and completed emergency repair work. This would be a violation of law and our permit obligations. Claims that the TCPUD would do so willfully or unwittingly are unsubstantiated and require much greater evidence than provided.
- It is not in the interest of the TCPUD to remove lakebed material as it would result in an unnecessary cost to the emergency repair work and would further expose the pipe.
- There was never any equipment (bins, containers, etc.) on site that could accommodate the removal of dredged lakebed material nor are there any records of transport of material from the lake or any charges or invoices for such work.

The lake bottom elevation within Lake Tahoe is subject to temporal variations due to typical coastal processes including erosion and deposition. Wave activity, driven by predominant southwesterly winds, cause a continuous transport (offshore, onshore, and drift) of lakebed materials resulting in constant, often imperceptible, variations in lake bottom elevation. TCPUD contends that, in the Project Area, which is south-facing, the lake bottom elevation has been decreasing in the last few years as a result of erosion due to increased lake water levels. During the winter of 2018/19, intense winter storms and associated wave action caused enough lakebed material to be removed from over the pipe

to cause it to become uncovered and lose its confinement. This resulted in an acute failure of the piping system through dislodgment; essentially the pipe joints worked themselves free from back and forth movement of the pipeline. This is evidenced by the intact nature of the pipe pieces discovered lying on the lakebed after the storms.

The TCPUD returned the lake bottom (utilizing the material excavated from the trench) to as near as practical the elevation across the Project Area and within the turbidity curtain as existed at the time of commencing the emergency repair work. This elevation appeared to be very near to the top of the pipe elevation as shown in the attached photo (Attachment A) taken after completion of the repair work and immediately before removal of the turbidity curtain (March 19, 2019, 8:33 AM). This conclusion is consistent with the likely cause of the initial failure - an uncovering of the pipe due to coastal erosion.

The TCPUD complied with law and permit conditions in not removing material nor importing material to the Project Area and returned the lake bottom to its existing condition at the beginning of the emergency repair work. The Easement matter raised by the Appellants related to the TCPUD's responsibility to restore the Easement area is not a TRPA matter nor within its jurisdiction.

A Manhole Rim Elevation was Temporarily Raised above the High-Water Elevation

The Appellants correctly note, in a couple of locations in the Appeal, that a sewer manhole rim elevation was raised during the emergency repair. This was explained in the TCPUD's TRPA Permit application documents. This was done to protect the manhole, emergency bypass operations, and TCPUD personnel from inundation and wave damage. In June 2019, the manhole risers were removed and the manhole rim was restored to its existing elevation.

Boulders were Moved and Imported/Removed for the Emergency Repair

The Appellants correctly note, in a couple of locations in the Appeal, that boulders were moved within the Project Area and additional boulders were imported during the emergency repair. This was explained in the TCPUD's TRPA Permit application documents. This was done to create wave breaks to protect the manhole, emergency bypass operations, and TCPUD personnel from inundation and wave damage. In June 2019, all imported boulders were removed from the lake and all boulders that were moved within the project area were returned to their original positions to the best of our abilities.

The Appellants also correctly note that, during the emergency repair work, a large boulder from the area of the Appellants' shoreline revetment was improperly relocated by construction personnel on-site at the time. This was a mistake and contrary to direction that had been provided by the TCPUD. The TCPUD has already returned the boulder to its original location under the supervision of the Appellants. To the degree this action, the emergency repair work, or lakebed and shoreline erosion has caused damage or did not cause damage to the Appellants' shoreline revetment structure is a personal property matter between the TCPUD and Appellants.

Navigation and Safety Impacts

In their Appeal, Appellants dispute the TRPA shorezone finding that, "The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters."

In its application, the TCPUD indicated that there would be no impact to navigation, primarily because the pipe was mostly below the adjacent lake bottom surface after completion of the emergency repair and it was hoped overtime it would become fully covered. However, that appears unlikely based on the above discussions. Regardless, the conclusion is the same, the pipe will not adversely impact navigation or safety.

The pipe sits slightly landward of the ordinary low water line and projects above the plane of the adjoining lake bottom to varying degrees depending on the constantly changing lake bottom. The top of the pipe, which is approximately at elevation 6223 feet Lake Tahoe Datum (LTD) within the project area did not change from what had been existing previously. The emergency repair did not change the existing conditions relative to the pipe being an obstruction. Further, navigation within the project area is heavily affected by boulders of varying size and jetties which extend above the pipe top elevation.

Scenic Impacts

In their Appeal, Appellants state that the staff report and the permit itself fail to address the scenic impact of the exposed pipe.

In its application, the TCPUD indicated that the project would not have an impact on scenic resources based on TRPA's scenic thresholds, which were established by TRPA for specific areas that are accessible to the public, as follows:

1) Roadway travel routes (scenic resources that are visible from the primary roadways)
2) Shoreline (scenic resources that are visible from the Lake, typically, looking from a point 300 feet offshore towards the shoreline)
3) Public recreation areas (scenic resources looking in all directions from within those areas)

The TRPA staff report for the project identified that the project site is within Scenic Roadway Unit 16, however, the project is not visible from Scenic Roadway Unit 16, so there is no threshold impact. Further, the staff report identified that the project is within Scenic Shoreline Unit 16, however, since the project is not visible when looking from the Lake at a distance of 300 feet, there is no threshold impact. There is no nearby public recreation area from which the project would be visible, so there is no threshold impact in that category.

It is in the Interest of the TCPUD to Cover the Pipe

In various locations in the Appeal, the Appellants subtly misrepresent communications between the TCPUD and Appellants as it relates to covering the exposed pipe. For example, in the fourth paragraph of Page 2, Appellants state, "TCPUD staff recently stated that they are willing to bury the pipe but claim that the Conditional Permit prohibits them from doing so. (See Email Exhibit D)"

It should be noted that Mr. Homolka's email does not use the word "bury" as the pipe has been buried to the current lake bottom profile. It instead refers to "fill" within the lake and "covering" the pipe. As discussed above, the TCPUD contends that it has returned the Project Area to its original elevation/condition prior to commencing the emergency repair work. To add material over the pipe would require importing of fill material or the dredging of lakebed material from elsewhere within the lake and placing it over the pipe. These actions are prohibited by all the permits for the emergency repair. The TCPUD has explained this to Appellants and has explained that if it were allowed to do so, the TCPUD would, but that, in all likelihood, it would subsequently erode away as the beach has progressively done over many years.

Staff have been clear that it is in the TCPUD's interest to actually place a revetment over the pipe consisting of larger materials that would not move due to wave action or other shorezone processes. Appellants have stated that they would be opposed to that and would fight it strongly.

Please let us know if you need any further information or have any questions regarding this Response or any related matter.

Sincerely,

Matt Homolka, P.E.
Assistant General Manager/District Engineer

Enclosures – Attachment A

C: Sean Barclay/General Manager-TCPUD
Steve Gross/General Counsel-TCPUD

Attachment A

March 19, 2019 8:33 am

Attachment D

August 14, 2020 Floum/O'Donnell Reply to TCPUD Response

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TAHOE REGIONAL PLANNING AGENCY
APPELLANTS REPLY MEMORANDUM

PERMITTEE: Tahoe City Public Utility District

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

APN: 093-094-041, 093-094-042 (530-301-00)

TRPA FILE # ERSP2019-0514

APPELLANTS: Joshua R. Floum and Margaret R. O'Donnell
3328 Edgewater Drive, Tahoe City CA
APN: 093-094-041

DATE: August 14, 2020

I. INTRODUCTION

Appellant property owners, Joshua R. Floum and Margaret R. O'Donnell ("Appellants") submit this Reply Memorandum in order to address a number of misstatements contained in the TCPUD's Response to Appellants' Statement of Appeal, to present new information previously not available to them and to apprise the TRPA of current conditions on Appellants' property.

Specifically, because TCPUD failed to inform or even properly identify Appellants as the property owners on any of its permit applications, Appellants did not have access to the TCPUD permitting documents at the time they filed their Statement of Appeal in this matter.[1] Having

[1] This failure also put the TRPA Staff at a disadvantage because they were not given complete information regarding the true condition of the TCPUD repairs, among other things, before issuing their findings and recommendations issued on December 19, 2019 (the "Staff Report").

now obtained most of the relevant TCPUD applications and permits, Appellants have learned that all of these documents actually required the TCPUD to restore the lakebed and bury the replacement sewer pipe – neither of which it has done. In addition, Appellants now are experiencing a substantial collapse of their revetment creating an emergency situation due to the TCPUD's wrongful misappropriation of supporting boulders from Appellants retaining wall during the repair as well as its failure to restore the 13.5 tons (9 cubic meters) of material dredged from the lakebed as required by its own plans and permit applications.

Despite the TCPUD's attempt to portray its response to the pipe breakage and its communications with Appellants as diligent and thorough, the truth of the matter is that the TCPUD was negligent in many respects including:

1. Failing to respond to either of Appellants' initial or follow-up reports of the broken TCPUD sewer pipe for over a week, leading to the needless spilling of thousands of gallons of raw sewage onto Appellants property and into Lake Tahoe and consequently delaying the repair of the sewer pipe due to winter storms;

2. Cutting off water and sewer service to Appellants' home for six weeks during the heart of ski season in contravention of TCPUD's assurances to the Army Corps of Engineers and the California Department of Fish and Wildlife that "All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work;"

3. Wrongfully misappropriating huge keystone and other important boulders from Appellants revetment/retaining wall resulting in a significant collapse of that revetment, denying it before admitting it, and then failing to properly perform the repair work on the wall which has resulted in an ongoing failure of that wall which has created a current dangerous condition on Appellants' property; and

4. Failing to complete its sewer line repairs in conformance with its own plans as submitted to the TRPA, and as approved by the US Army Corps of Engineers ("ACOE"), California Department of Fish and Wildlife ("CDFW") and the Lahontan Regional Water Quality Board ("LRWQCB").

As a result of these failings and the TCPUD's insistence that it either has no obligation or no authority to rebury the sewer pipe, Appellants have filed this appeal in order to seek assurance that the replaced sewer line as well as any new sewer line installed under the Conditional Permit will be properly and completely re-buried in accordance with the TCPUD plans, its government permits and its sewer line easement, all of which require that the lakebed be restored.

II. TCPUD DID NOT PERFORM THE SEWER REPLACEMENT IN ACCORDANCE WITH ITS OWN PLANS OR PERMITS

A. The TCPUD Permit Applications and Government Permits All Require <u>That The Lakebed Be Restored And The Replacement Pipe Buried</u>

In March 2019, after they had already filed their original Statement of Appeal, Appellants finally received copies of the various permit applications and/or permits submitted or received by TCPUD – including the permit application submitted to the TRPA. These newly received documents make clear that TCPUD was required to restore the lakebed and bury the new pipe.

For example, both the TCPUD's ACOE Permit Application submitted on 2/5/2019, and their California Department of Fish and Wildlife Lake Or Streambed Alteration Program Notification Of Emergency Work submitted on 2/6/2019 state that: "Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. . . . ***The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed***." See Exhibits A and B attached hereto (emphasis added). Although Appellants never received the TCPUD's LRWQCB permit application, the actual LRWQCB permit expressly requires that: ***"Excavated lakebed material will be used to fill in the trench and smoothed to match surrounding lakebed contours."*** See Exhibit C attached hereto (emphasis added).

Moreover, the TCPUD's ACOE Notice of Intent, (attached hereto as Exhibit D) its permit application to the TRPA (attached hereto as Exhibit E), and its CDFW permit application all include plans and cross-sections prepared by Auerbach Engineering Corporation which show the replacement pipe buried under the lakebed. See Exhibits A, B, D and E. Plan Sheet C1, Profile and Sheet CD1 Construction Detail, Detail 1 and Detail 2 all show the replacement pipe located well below the lakebed for both the 78 feet of the sewer pipe crossing Appellants' property and the same for the additional 60 feet to be replaced to the west. These plans were also attached as Exhibit C to the December 19, 2019 TRPA Staff report recommending approval of the Conditional Permit. This explains why the TRPA Staff was operating under the mistaken understanding that the area was restored toits prior condition and that the **"sewer lateral sits beneath the lake substrate, in other words it's buried**." TRPA Staff Report Special Findings (g) and (h).

Additionally, for some reason, unlike the permits issued by the ACOE, the CDFW and the LRWQCB, the TRPA's Conditional Permit appears to require restoration of the lakebed in connection with the prospective work on Appellants' neighboring property but does not appear to include language requiring restoration of the lakebed in connection with the retroactive permitting of the work on Appellants' property. Perhaps this is because the TRPA was under the impression that the new pipe was, in fact, buried. However, because this is not the true condition of the replaced sewer pipe, the Conditional Permit should be amended to require that TCPUD complete its work in accordance with the plans submitted in support of its TRPA permit application, which shows the new sewer pipe buried well below a restored lakebed.

B. TCPUD Failed To Restore The Lakebed And Bury The New Sewer Pipe

In its Response, TCPUD disingenuously contends that it "has returned the Project Area to its original elevation/condition prior to commencing the emergency repair work" (Response p. 5). However, by its own arguments, among other things, the TCPUD demonstrates that it **did not** return the Project Area to its original elevation/condition.

For example, in its Response, TCPUD emphatically argues that the iron replacement pipe is exactly the same size and was installed at precisely the same height as the prior ACP sewer pipe. Assuming those statements to be true, however, they only serve to demonstrate the obvious fact that the TCPUD failed to restore the lakebed as required because prior to its repair the ACP pipe was completely buried and invisible while now, as is apparent from the photograph below taken shortly after completion of the repairs, the new sewer pipe is almost completely exposed

above the lakebed and visible from Appellants' entire property including their home which sits at street level, as well as from Appellants' neighbors' homes and from the lake itself.

Appellants' Beach on 11/5/2015 Showing Sewer Pipe Completely Buried

Exposed Replacement Pipe Photographed on 3/31/2019 – Twelve Days After Completion

In its Response, the TCPUD tries to claim that it "returned the lake bottom (utilizing the material excavated from the trench) to as near as practical the elevation across the Project Area and within the turbidity curtain as existed at the time of commencing the emergency repair work." This elevation appeared to be very near to the top of the pipe elevation as shown in the attached photo (Attachment A) taken after completion of the repair work and immediately before removal of the turbidity curtain (March 19, 2019, 8:33 AM)." (Response, p. 6, Attachment A).

However, this claim is false and the narrow view photo attached to the Response is misleading as it shows only a slice of the far westerly side of the pipe on Appellants' property toward the easterly side of Appellants' neighboring property where the upcoming repairs have yet to be undertaken. This fact is evidenced by the rocks visible in the lake behind the pipe and can be seen in the photo below taken in June 2019 which shows the same small buried area only on the far right with the majority of the pipe exposed in the lakebed. This can be seen in photo below taken in June 2019 which shows the pipe partially buried only on the far right side.

Moreover, the TCPUD itself already has admitted to Appellants that it failed to cover the trench or the pipe as required. As set forth in Appellants' opening papers, on March 19, 2019 Kim Boyd, Senior Management Analyst for TCPUD sent an email to Appellant Joshua Floum upon the completion of the work. She states:

> "As you are likely already aware, the sewer line repair work was completed over the weekend, and the by-pass has been dismantled. However, we did want you to be aware that ***we were not able to completely backfill material over the entire length of the pipe.*** As

> discussed last week, we will let the lake and wave action settle and stabilize the material in the shore zone around the pipe, and in the coming months we will further assess the pipe's exposure."

See Appellants' Statement of Appeal dated 2/7/2020 Exhibit G (emphasis added).

When Mr. Floum then inquired why the pipe had not been covered, Ms. Boyd deferred the response to Tony Laliotis, Director of Utilities, who on March 20,2019 states that "backfilling the pipe was a blind operation" and said they could not work due to an impending storm. He further replied: "We have had some good wind and wave action since then and we are hopeful that mother nature does a better job of evenly distributing the disturbed material. We will revisit the site when things calm down to see how it looks." Id. However, despite filing a inaccurate Notice of Completion to the Army Corps of Engineers signed under penalty of law on 3/25/2019, (the "NOC") and attached hereto as Exhibit F, the TCPUD did nothing more about the matter until June 2019 when Appellants returned to their property to discover that area was in exactly the same unfinished condition as it was left in March.

To be perfectly clear, although the TCPUD now tries to claim otherwise, the 9 cubic yards or **13.5 tons** of excavated trench material obviously was not used to restore the trench or feathered/smoothed to match the adjacent lakebed as represented to and required by the ACOE, the CDFW, the LRWQCB and the plans submitted to the TRPA. This fact can be plainly seen from a photo included in the TCPUD's Notice of Completion. In the photo identified as Figure 13 on Page 9 of the NOC, as shown below, one can see the pipe plainly sitting in the excavated trench well below the existing lake level and yet, in the photo on page 5 above, taken by Appellants on March 31, 2019, the entire pipe can be seen exposed sitting above the lake bed. Similarly in the photo below taken on 1/20/2020, the pipe remains fully exposed with the lakebed now essentially at the bottom of the trench.

Figure 13, TCPUD NOC to Army Corps of Engineers – Replacement Pipe in Trench

Exposed Sewer Pipe 1/20/2020

Further, as is evident from their own written communications, both Ms. Boyd and Mr. Laliotis understood that the plans required the new pipe to be covered. TCPUD's contractor demobilized and left the site due to the weather and although the representation was made that TCPUD would return to address the specific issue of covering over the pipe, no one did. They then sought to obtain a retroactive permit for this incomplete work without even notifying Appellants or identifying them as the owners of the property on which the work was performed.

By neglecting to restore the lakebed and bury the pipe, the TCPUD did not complete the project in accordance with its Army Corps of Engineers, California Department of Fish and Wildlife and Lahontan Regional Water Quality Control Board permits nor in accordance with the plans the TCPUD itself submitted in support of its TRPA permit application which is the subject of this appeal.

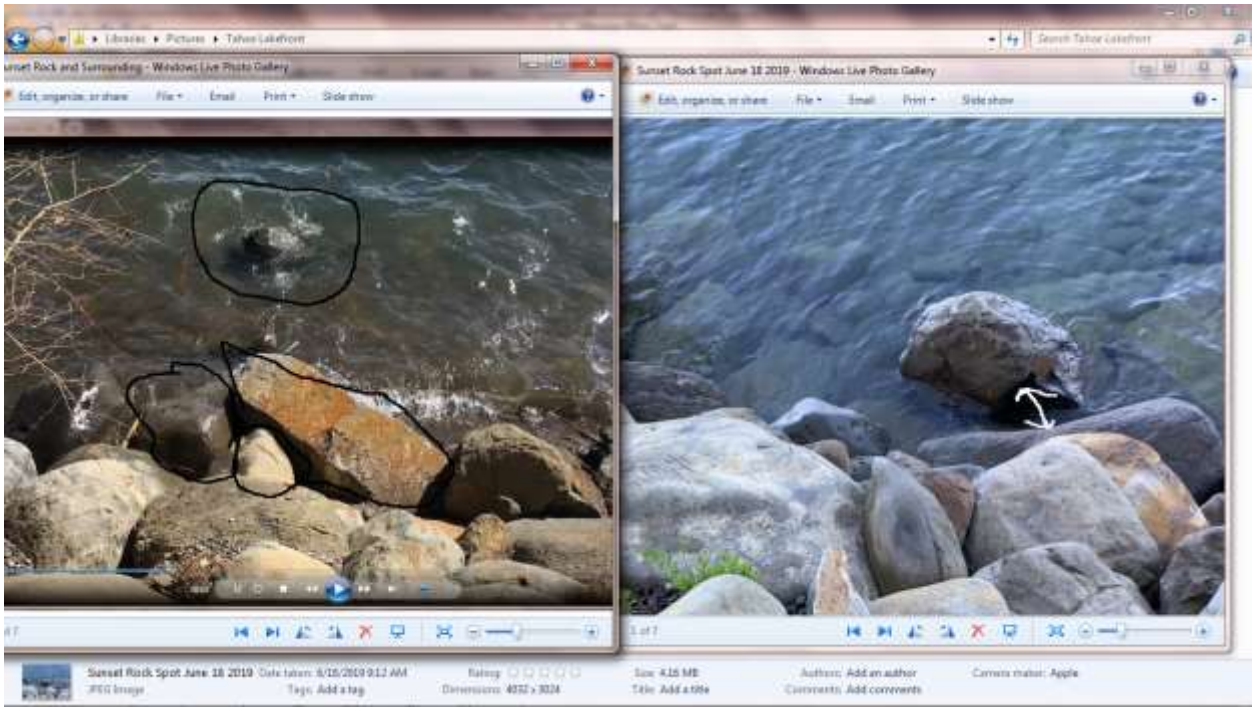
III. TCPUD DAMAGED APPELLANTS' REVETMENT

In the same way that TCPUD refused to acknowledge that Appellants had notified TCPUD of the damaged sewer pipe and no action was taken by TCPUD for a week while sewage entered Lake Tahoe, TCPUD also initially refused to acknowledge that during the work its contractor had removed rocks from Appellants' rock retaining wall and steps at the edge of

the lake. In its Response, TCPUD admits that rocks were wrongfully removed from Appellants' wall but argues that the "damage to the Appellants' shoreline revetment structure is a personal property matter between the TCPUD and Appellants." (Response, p. 4).

This is not entirely true. While TCPUD's action certainly give rise to civil claim for trespass and the like, the movement of material within the lake is absolutely governed by the TRPA Conditional Permit. For example, Paragraphs 15 and 16 of the Conditional Permit prohibit the removal of rock, boulders and other material outside the dredging limits of the project. (Conditional Permit, pp. 6-7). Therefore, the TCPUD's removal of boulders from Appellants' retaining wall violates the terms of the Conditional Permit and the TRPA has the authority to "rescind (its) approval or take any other appropriate action." (Conditional Permit, p. 7, Special Condition 17). In this case, it is perfectly appropriate for the TRPA to include reconstruction of this retaining wall in the Conditional Permit.

As can be seen in the side by side comparison of a screen grab from a video taken on 4/18/17 and a photo of the rocks taken on June 18, 2019, four circled rocks (including the large rectangular keystone boulder Appellants referred to as "sunset rock") were moved and the notched rock has collapsed significantly away from the rest of the wall.



Despite initially denying it, TCPUD now admits that its contractor wrongfully removed these boulders from Appellants' revetment. In June 2019, TCPUD, presumably under authority of its emergency permit, arranged for remediation of Appellants' revetment and steps including the return of an enormous rectangular rock to Appellants' property. Unfortunately the TCPUD contractor did an inadequate job in bolstering the revetment and that, along with TCPUD's failure to restore the lakebed to its prior condition, have caused Appellants' revetment and steps to suffer additional damage from collapse. The situation has, in fact, become extremely dangerous and recently a giant boulder located above the keystone fell from the wall and would

have severely injured someone had it not been stopped by a light fixture where it hangs precariously to this day.

Appellants simply ask that their property be restored to its condition prior to the TCPUD sewer repair. Therefore, in addition to expressly requiring TCPUD to restore the lake bottom, Appellants additionally request that the permit include an authorization and requirement that Appellants revetment also be restored. This issue should have been addressed in connection with the TCPUD sewer pipe work and is certainly required by the terms of the Easement.

IV. TCPUD STATES NO REASON WHY IT SHOULD NOT BE REQUIRED TO RESTORE THE LAKEBED AND REBURY THE SEWER PIPE

TCPUD's argument that burying the pipe and restoring the lakebed is somehow prohibited by its permits because it would require further dredging does not make sense. All the permits issued by the ACOE, CDFW, the LRWCB and even the TRPA Conditional Permit in its present form allow for dredging in connection with both the retroactive sewer work as well as the proposed continued sewer work. The TRPA Conditional Permit expressly states that:

> "This permit shall expire upon completion of the dredging***. Completion of the dredging shall be defined as dredged material placed back over the repaired pipe*** . . . ." (Conditional Permit, paragraph 5, page 6, emphasis added).

Since obviously TCPUD did not place the dredged material over the repaired pipe on Appellants' property, the completion of dredging as defined under the Conditional Permit has not yet occurred and for the work to be undertaken on the neighboring property, the commencement of dredging has not yet even occurred.[2]

The ACOE, CDFW and LRWCB permits likewise ***require*** the restoration of the lakebed and the return of dredged material over the pipe. TCPUD did not give Appellants copies of any permit applications to those entities for dredging on the neighboring property but presumably it intends to obtain them. To the extent that TCPUD feels there is any ambiguity regarding its ability to use newly dredged materials to recover the materials not previously restored and rebury the exposed pipe on Appellants' property it can simply file supplemental applications.

[2] While it appears that TCPUD did return some dredged materials over part of the pipe on the western portion of Appellants' property, the bulk of the dredged material seems likely to have been washed away when the turbidity curtain was removed on or about February 7 due to bad weather. At that time, TCPUD already had dredged the trench for the first time and stored that dredged material shoreward of that removed curtain. Due to continued bad weather, work did not recommence for over a month until approximately March 13, 2019 when the turbidity curtain was reinstalled and the area was retrenched. Undoubtedly at that point all previously dredged materials had been washed away by the storms. Under these circumstances additional dredging in order to recover lost material in order to properly restore the lakebed would be appropriate.

V. RELIEF REQUESTED

Based on the foregoing and for all of the reasons set out in the Statement of Appeal, this Reply Memorandum and the supporting exhibits, Appellants respectfully request that the TRPA amend the permit to the extent necessary to make clear that TCPUD is required to follow the plans and to restore the lakebed and bury the pipe. Additionally, Appellants request that the permit authorize and require the restoration of Appellants' revetment and steps at the lake's edge which are collapsing and currently present a dangerous condition on their property.

It is important to note that there will be no separate contractor mobilization costs incurred by TCPUD to correct their prior work so that it conforms to the permit, since similar work is contemplated by the permit for the additional 60 foot segment immediately to the west and the same TCPUD contractor with the same equipment can perform both scopes of work.

Dated: August 14, 2020

ROGERS JOSEPH O'DONNELL

_____

ALAN J. WILHELMY
JON-ERIK W. MAGNUS
Attorneys for Appellants
Joshua Floum
Margaret O'Donnell

U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003 Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - Sean Middle - Christop Last - Barclay	First - Tony Middle - Constant Last - Laliotis
Company - Tahoe City Public Utility District - General Manager	Company - Tahoe City Public Utility District - Dir. of Utilities
E-mail Address - sbarclay@tcpud.org	E-mail Address - tlaliotis@tcpud.org
6. APPLICANT'S ADDRESS:	9. AGENT'S ADDRESS:
Address- 221 Fairway Drive	Address- 221 Fairway Drive
City - Tahoe City State - Ca Zip - 96145 Country - USA	City - Tahoe City State - Ca Zip - 96145 Country - USA
7. APPLICANT'S PHONE NOs. w/AREA CODE	10. AGENTS PHONE NOs. w/AREA CODE
a. Residence 775-223-8757 b. Business 530-580-6051 c. Fax 530-583-1475	a. Residence 530-550-1886 b. Business 530-580-6053 c. Fax 530-583-1475

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Tony Laliotis to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT — DATE 2/5/19

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Dollar Point - Edgewater Emergency Sewer Repair

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
Lake Tahoe	Address 3328 Edgewater Drive
15. LOCATION OF PROJECT	City - Tahoe City State- Ca Zip- 96145
Latitude: ◦N 39deg, 11' 06" Longitude: ◦W 120deg. 05'56"	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID near Apn:093-094-41/42 Municipality Placer County / Tahoe City Public Utility District

Section - S1/2, 33 Township - 16N Range - 17E

17. DIRECTIONS TO THE SITE

From Tahoe City -

Head 2.9 miles Northeast on State Hwy 28 (E/N Lake Blvd), turn right onto Dollar Drive, turn right onto Observation Drive (194 ft.), turn left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.

From Kings Beach (Intersection of Hwy 267/28)-

Head 6.3 miles West on State Hwy 28 (W/N Lake Blvd), turn left onto Dollar Drive, turn right onto Observation Drive (194 ft.), turn left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.

18. Nature of Activity (Description of project, include all features)

See attached Block 18 Description

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The Tahoe City Public Utility District (TCPUD) must immediately commence emergency repairs/replacement of approximately 40 to 60 feet of 8-inch plastic lined ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe.

On January 30, 2019, TCPUD staff discovered a failure in the Dollar – Edgewater sewer collection main running along the shoreline below Edgewater Drive in the Dollar Point community of Lake Tahoe. Staff witnessed four separated lengths of 8-inch ACP pipe lying exposed on the lake bed below approximately 4 feet of water. Upon further investigation staff witnessed the adjacent upstream sewer manhole contained standing water that had equalized with the surrounding Lake Tahoe water surface. Construction activities are anticipated to begin Wed, Feb. 6, 2019 and be complete Friday, Feb. 15, 2019 (weather permitting), and sediment curtain to remain in place until cleared (est. 1 week)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

no removal of material is anticipated for the repair.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Surface area of Lake Tahoe is estimated to be 122,200 acres (USGS Website - 191 sq. miles)

or

Linear Feet 75 miles shoreline (USGS Website)

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Repair work will include a sediment curtain around the work area and be maintained after completion of work until such time as the water within the work area has been cleared for removal. No compensatory mitigation should be required due to the nature of the utility failure resulting from a severe storm event and the proposed protection and containment of the work area described.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☐ No IF YES, DESCRIBE THE COMPLETED WORK

The existing system has been manually isolated and by-passed. (as of Feb. 1, 2019)

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Please see attached sheet

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
TRPA	Expedited Review		1/31/2019		
Lahontan	NOI		2/5/2019		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE
	2/5/19		2.5.19

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

BLOCK 18

NATURE OF ACTIVITY

Description of Project:

The existing sanitary sewer has been isolated, sealed, and by-passed. The by-pass is currently manned by TCPUD staff 24 hours a day, seven days a week, and will be maintained as such until the replacement sewer pipe has been tested and approved for use. The by-pass is located along the drainage easement adjacent to the eastern property line of 3328 Edgewater Drive and will be discharged into the Districts' sanitary sewer collection main along Edgewater Drive. All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work. The District also has backup equipment including vehicle Vactor's onsite should the by-pass pumps and backup pumps fail, and has contacted member utility agencies in North and South Lake Tahoe for mutual assistance backup if needed.

The dislodged section of sewer pipe will be replaced along the same horizontal and vertical alignment and of the same pipe diameter. The replacement pipe will be 8-inch ductile iron pipe rather than the original ACP pipe material, and will be joined with mechanical or restrained fittings. The replacement pipe will be anchored in place by steel pipe pile-driven beneath the sewer pipe and fastened (saddle and bolts).

Site access for the contractor (Ginsburg and Sons, Inc.) will be primarily lake (water) access using a floating barge, LARK, and additional water craft (as needed). This equipment is currently very near the project site working on a separate unaffiliated permitted project. Additional foot access to the area will be along the drainage swale located along the eastern property line of 3328 Edgewater Drive. This drainage easement is not accessible to vehicle (tracked or wheeled) equipment.

Prior to any construction activities, the contractor will install a sediment curtain that will surround and contain the work area. The curtain is 150 LF in length and 5 ft. in depth. The base of the curtain contains an integrated anchor chain sleeved throughout its length (1lb/ft) that will rest on and follow the contours of the lake bed. The District owns several turbidity meters and regularly measures turbidity as part of its ongoing operations and will monitor turbidity throughout the construction and after until such time as the work area has been approved for removal of the sediment curtain. Samples for turbidity testing will be taken immediately outside of the turbidity curtain and 100-ft up-wind (background sample) of the worksite. The District understands that the water quality objective for turbidity is not to cause an increase of over 10% of the background sampling and will strive and adjust protections as needed to maintain this objective.

Upon completion of the installation of the sediment curtain, 4-inch steel pipe (7 ft in length) will be pile driven into the lake bed directly below the flowline of the sewer pipe. Flat steel plates will be welded to the top of the 4-inch pipe prior to installation. Fabrication of the piles and steel plates will be performed offsite at the contractor's facility. Any additional onsite modifications required for installation will be performed and contained on and within the floating barge used for this construction.

The replacement ductile iron pipe will be fitted/joined together above the water surface on the contractor's barge and then lowered into place. Saddles will be installed along the replacement pipe and fastened onto the pre-fabricated welded bolts of the steel plates. Saddles will also straddle

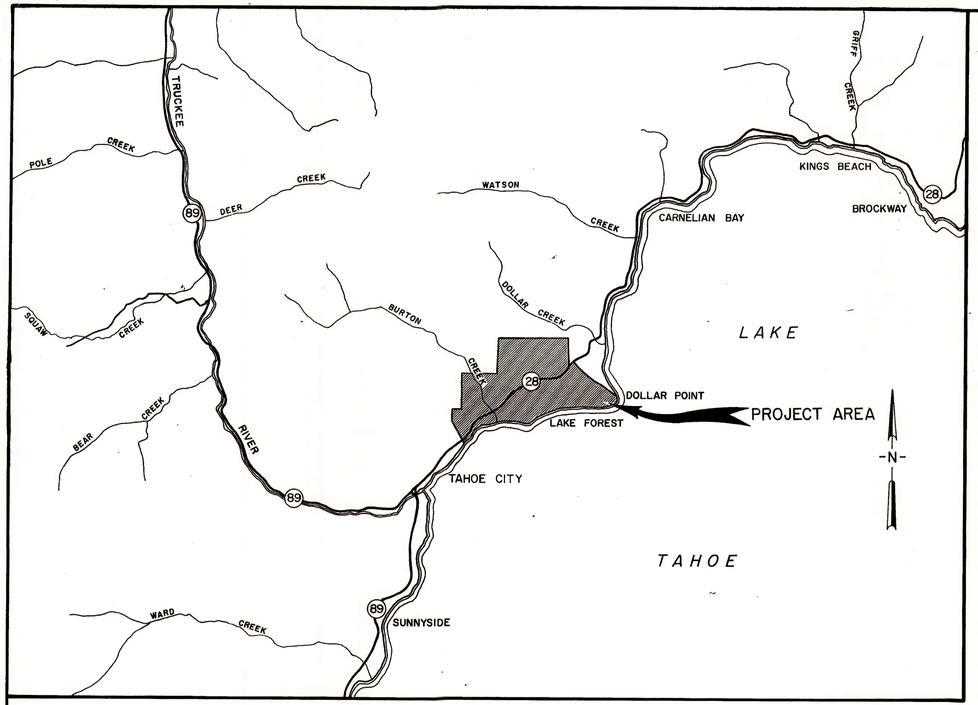
the connection points to the existing intact ACP sewer to provide additional support and restraint. Following installation and fastening of the replacement pipe, it will be pressure tested per code requirements and confirmed that it is completely sealed.

Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. Trench excavation will be to the original alignment and is estimated to range in depth from 12-30 inches. The trench limits is estimated to be 60-ft in length and 18-24 inches in width. The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed. There is no import or export proposed or anticipated for this work.

The attached original cover sheet and plan and profile shows the site location, area of the sewer failure, and the horizontal and vertical alignment. A cross-section of the proposed anchoring system is also included.

Block 25

APN	Street Address	Name	Mailing Address	City	State	Zip
093-094-007	3290 EDGEWATER DR	LAURENCE & KIM AKIN	32 HESKETH DRIVE	MENLO PARK	CA	94025
093-094-008	3300 EDGEWATER DR	JOHN WARD	122 WOODLAND ROAD	KENTFIELD	CA	94904
093-094-009	3310 EDGEWATER DR	ROBERT ERNST	4500 VIEJO RD	CARMEL	CA	93923-9437
093-094-013	3338 EDGEWATER DR	LATTA 1990 FAMILY TRUST	1270 COUNTRY CLUBE DR	LOS ALTOS	CA	94024
093-094-037	3280 EDGEWATER DR	JAMES & KIMBERLY RICHARDSON	1525 ESCONDIDO WAY	BELMONT	CA	94002
093-094-038	3334 EDGEWATER DR	MARC & DEBORAH METCALF	PO BOX 6855	TAHOE CITY	CA	96145-6588
093-094-039	3340 EDGEWATER DR	LAURA & THOMAS ROSCH	255 E FOSTER PLACE	LAKE FOREST	IL	60045
093-094-041	3328 EDGEWATER DR	JOSHUA FLOUM MARGARET O'DONNELL	323 SEYMOUR LANE	MILL VALLEY	CA	94941
093-094-042	3320 EDGEWATER DR	PAUL FULTON	5739 149TH AVENUE	BELLEVUE	WA	98006



LOCATION MAP

SCALE IN MILES

½ 0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT

TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR

SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F. BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding
STANLEY J. SPALDING, R.E. #14,928

APPROVED: W. B. Layton, Jr.
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL

SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

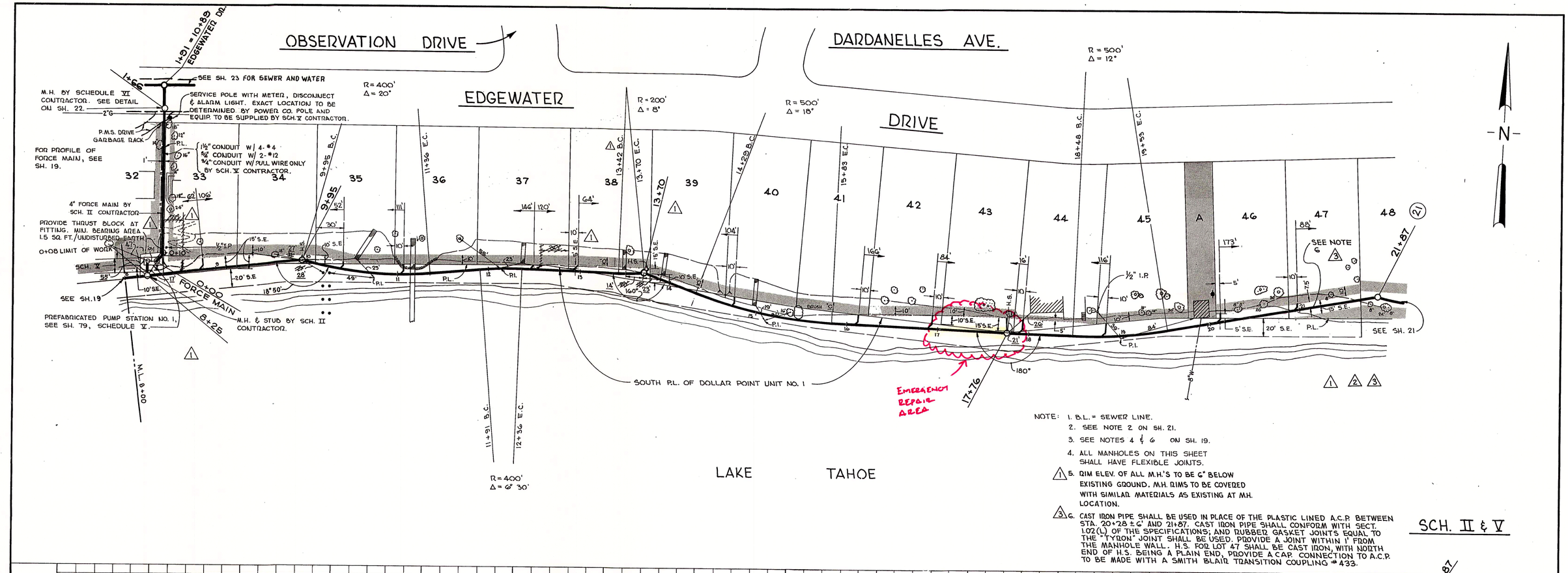
REVISION	DATE	DESCRIPTION	BY	APPD

SUBMITTED Stanley J. Spalding
APPROVED _____

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
INDEX AND LOCATION MAP

DATE: MAY 1967 | SHEET NO. 1 OF 79
CHKD: S.J.S. | DRWN: R.N.E.

U4-1



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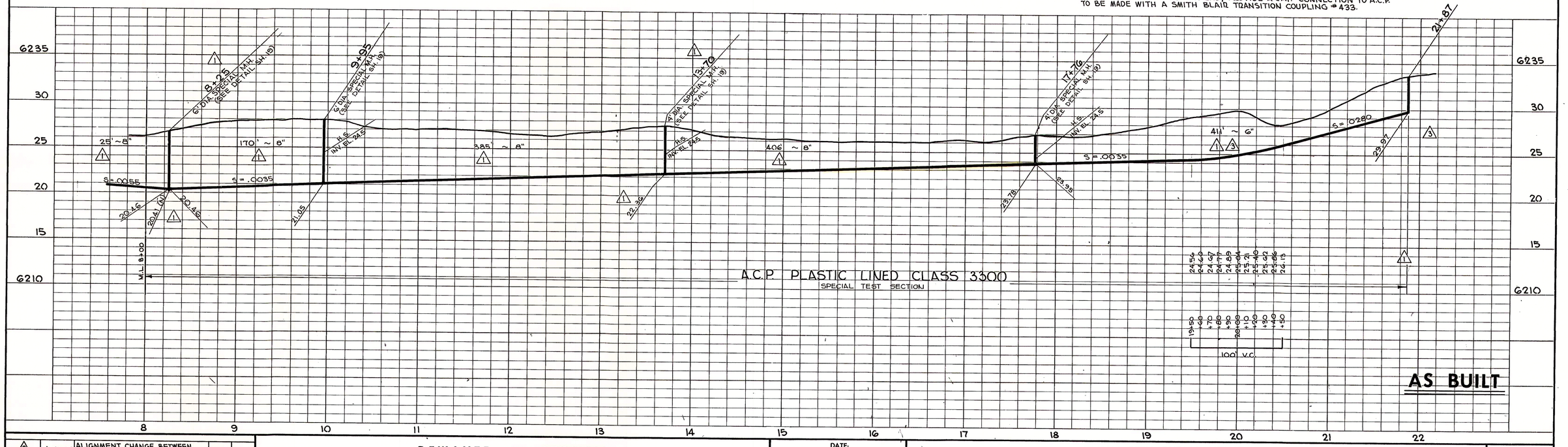
SCH. II & V



AS BUILT

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DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

DRAWN: R.D.G.
CHECKED: S.J.S.
SUBMITTED: Stanley J. Spalding
APPROVED:

DATE: MAY 1967

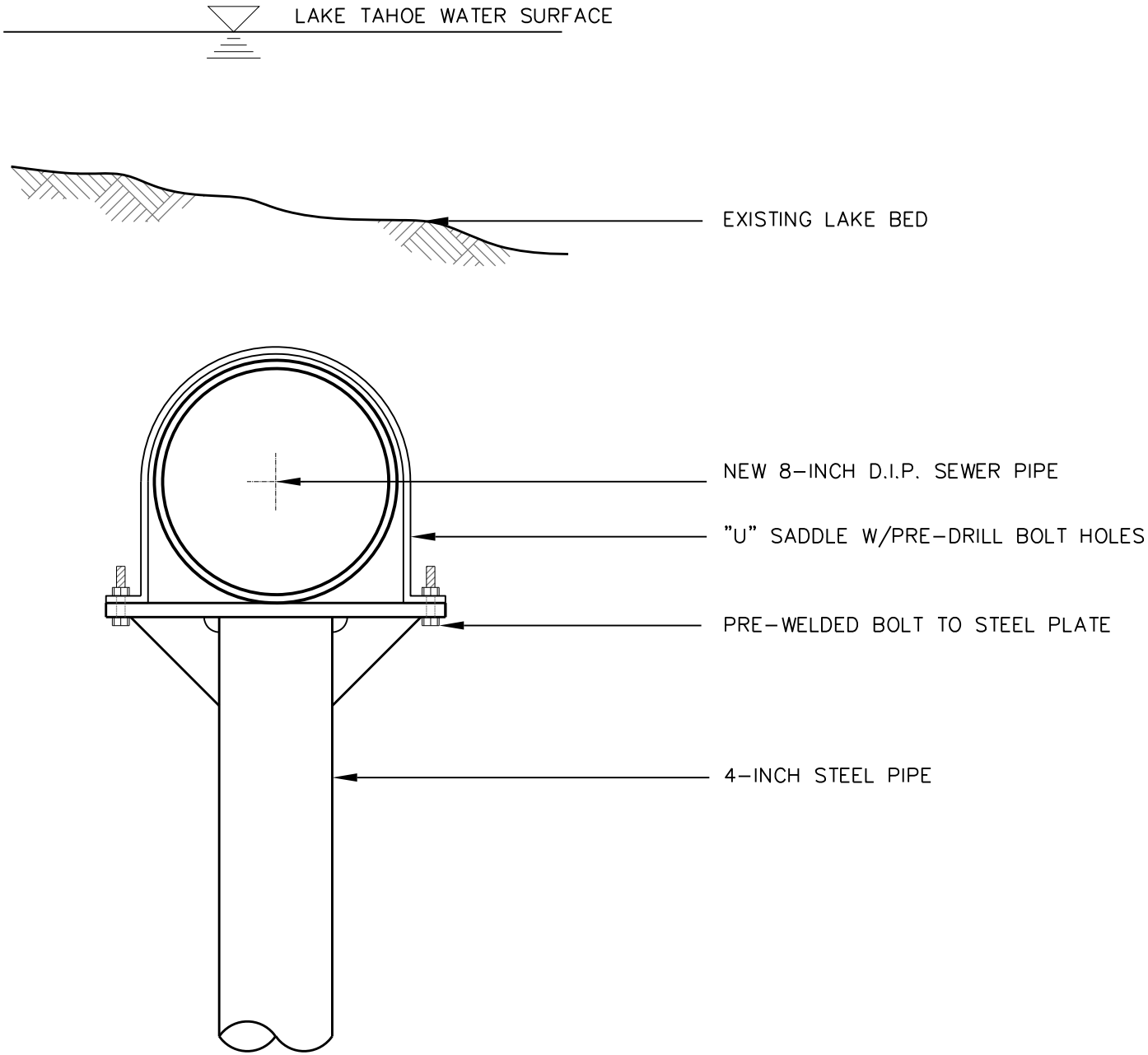
SCALE:
HORIZONTAL 1" = 50'
VERTICAL 1" = 5'

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

SHEET NO. 20 OF 79

U4-1

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A



PROPOSED SEWER REPLACEMENT CROSS SECTION

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

FOR DEPARTMENT USE ONLY			
Date Received		Notification Number	

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

LAKE OR STREAMBED ALTERATION PROGRAM
NOTIFICATION OF EMERGENCY WORK

Complete EACH field and attach additional pages if necessary.

1. PERSON, BUSINESS, OR AGENCY RESPONSIBLE FOR EMERGENCY WORK

If the emergency work is being conducted by a business, agency, or utility, please include the name of your designated representative.

Name	Tony Laliotis / Jon LeRoy		
Business/Agency	Tahoe City Public Utility District		
Street Address	221 Fairway Drive		
City, State, Zip	Tahoe City, Calif. 96145		
Telephone	530-580-6053 Tony/ 580-6336 Jon	Fax	530-583-1475
Email	tlaliotis@tcpud.org / jleroy@tcpud.org		

2. LOCATION OF EMERGENCY WORK

Address or description of project location. (*Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.*)

From Tahoe City - Head 2.9 miles Northeast on State Hwy 28 (E/N Lake Blvd), tum right onto Dollar Drive, tum right onto Observation Drive (194 ft.), tum left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.
From Kings Beach (Intersection of Hwy 267/28)-Head 6.3 miles West on State Hwy 28 (WIN Lake Blvd), turn left onto Dollar Drive, tum right onto Observation Drive (194 ft.), tum left onto Edgewater Drive (0.6 mi.), tum left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.

☐ *Continued on additional page(s)*

River, stream, or lake affected by project	Lake Tahoe (North Shore)			
What water body is the river, stream, or lake tributary to?	Truckee River			
Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	☐ Yes	☒ No	☐ Unknown	
County	Placer County			
USGS 7.5 Minute Quad Map Name	Township	Range	Section	Section
Kings Beach Quadrangle (CA/NV)	T.16N	R.17E	33	Por. S.1/2 Sec.33

☐ *Continued on additional page(s)*

Meridian (*check one*)	☐ Humboldt	☑ Mt. Diablo	☐ San Bernardino

2. LOCATION OF EMERGENCY WORK continued

Assessor's Parcel Number(s)			
Shoreline adjacent to APN's: 093-094-041 & 093-094-042 ☐ *Continued on additional page(s)*			
Coordinates (*If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes.)*			
Latitude/Longitude	*Latitude:* 39-deg 11' 06" North	*Longitude:* 120-deg 05' 56" West	
	☑ Degrees/Minutes/Seconds	☐ Decimal Degrees	☐ Decimal Minutes
UTM	*Easting:*	*Northing:*	☐ Zone 10 ☐ Zone 11
Datum used for Latitude/Longitude or UTM	☐ NAD 27	☑ NAD 83 or WGS 84	

3. NATURE OF EMERGENCY WORK

Date emergency began or was first discovered	January 30, 2019
Date emergency work began	January 30, 2019 (Sewer by-pass installed)
Date emergency work was or will be completed	Est. February 15, 2019 (Weather permitting)

Briefly describe the type of emergency (e.g., flooding or earth movement).

The Tahoe City Public Utility District (TCPUD) must immediately commence emergency repairs/replacement of approximately 40 to 60 feet of 8-inch plastic lined ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe.

Identify the type of property affected by the emergency by marking the appropriate boxes below.

☐ Bridge, culvert, or other water crossing ☐ Dwelling or other building ☐ Levee or other bank protection ☐ Road

☐ Farmland ☑ Utility ☐ Other (describe): _____

Describe the emergency work.

On January 30, 2019, TCPUD staff discovered a failure in the Dollar – Edgewater sewer collection main running along the shoreline below Edgewater Drive in the Dollar Point community of Lake Tahoe. Staff witnessed four separated lengths of 8-inch ACP pipe lying exposed on the lake bed below approximately 4 feet of water. Upon further investigation staff witnessed the adjacent upstream sewer manhole contained standing water that had equalized with the surrounding Lake Tahoe water surface.

Based on downstream sewer pump station data, TCPUD staff estimates that the failure occurred on Jan. 5th during a storm event. The cause of the failure is unknown but we believe that it was likely caused by storm wave action. No alarms were received from the downstream sewer pump station. Upon discovery and investigation of the failure, District staff found the remaining exposed ends of the intact sewer pipes were plugged with lakebed sediment. This self-plugging likely allowed the sewer pump station to continue pumping without reaching high level alarm status. Actual sanitary sewer discharge quantities are not know at this time.

Following discovery TCPUD staff manually sealed/plugged the in-place sewer system and began a temporary (pumped) by-pass. The temporary by-pass began operating at approximately 11 pm on Jan. 30, 2019.

☑ Continued on additional page(s)

3. NATURE OF EMERGENCY WORK continued

Briefly describe the dimensions (e.g., length and width) of the area or areas affected by the emergency and the work area.

Please see attached description

☑ Continued on additional page(s)

Describe any work you intend to complete after the emergency to restore the affected area.

Please see attached description

☑ Continued on additional page(s)

4. SIGNATURE

I hereby certify that to the best of my knowledge the information in this emergency notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the person, business, or agency responsible for the emergency work. *I understand that if the Department does not receive this emergency notification within 14 days after the emergency work begins, or the work did not constitute emergency work, I and/or the person, business, or agency responsible for the emergency work may be subject to criminal or civil prosecution.*

Signature of Applicant or Applicant's Authorized Representative

2-6-19

Date

Tony Laliotis

Print Name

STATE OF CALIFORNIA – DEPARTMENT OF FISH AND WILDLIFE

LAKE OR STREAMBED ALTERATION PROGRAM
NOTIFICATION OF EMERGENCY WORK
DESCRIPTION

Tahoe City Public Utility District – Emergency Sewer Repair
February 6, 2019

The existing sanitary sewer has been isolated, sealed, and by-passed. The by-pass is currently manned by District staff 24 hours a day, seven days a week, and will be maintained as such until the replacement sewer pipe has been tested and approved for use. The by-pass is located along the drainage easement adjacent to the eastern property line of 3328 Edgewater Drive and will be discharged into the Districts' sanitary sewer collection main along Edgewater Drive. All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work. The District also has backup equipment including vehicle Vactor's onsite should the by-pass pumps and backup pumps fail, and has contacted member utility agencies in North and South Lake Tahoe for mutual assistance backup if needed.

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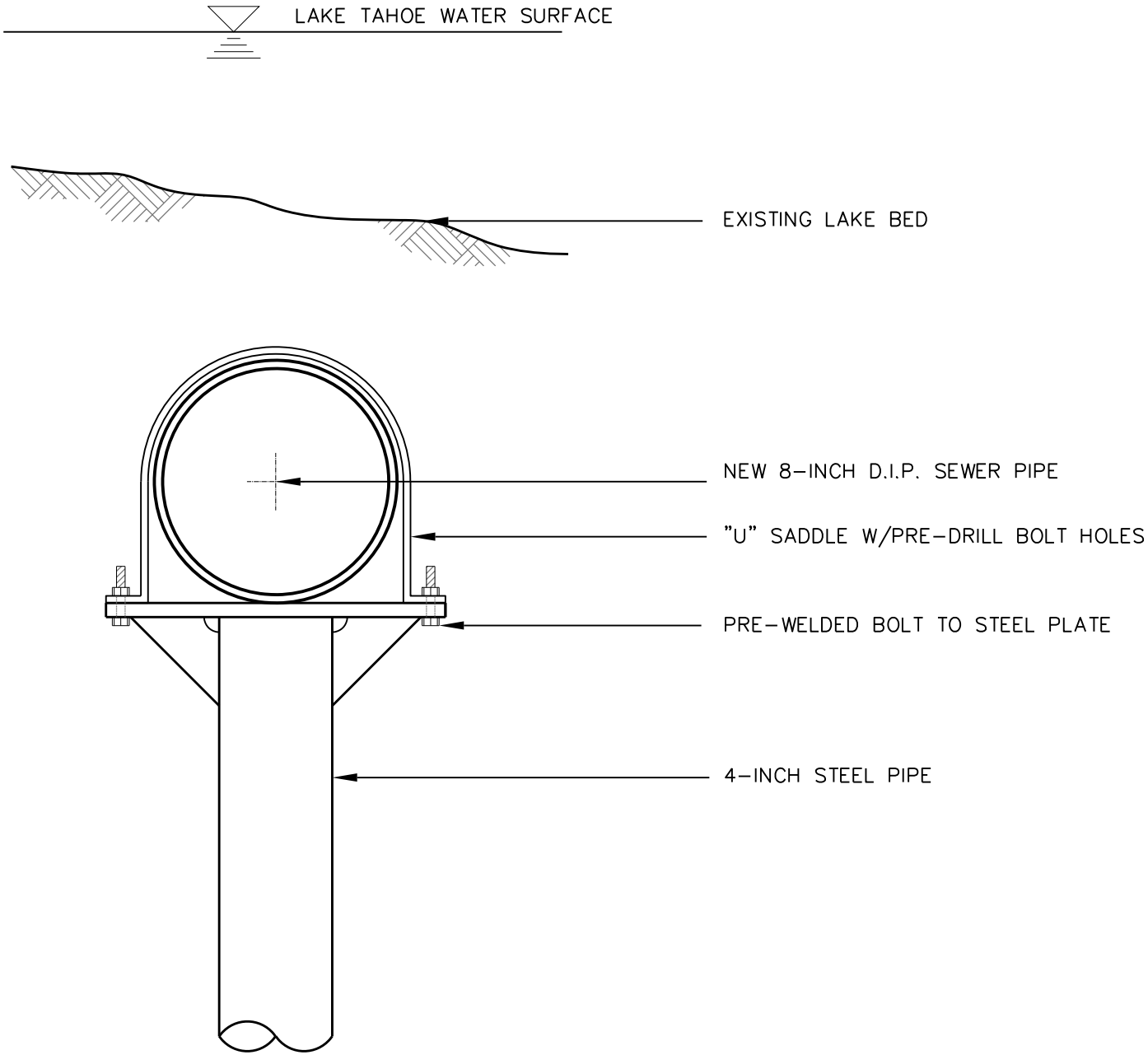

PROPOSED SEWER REPLACEMENT CROSS SECTION

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
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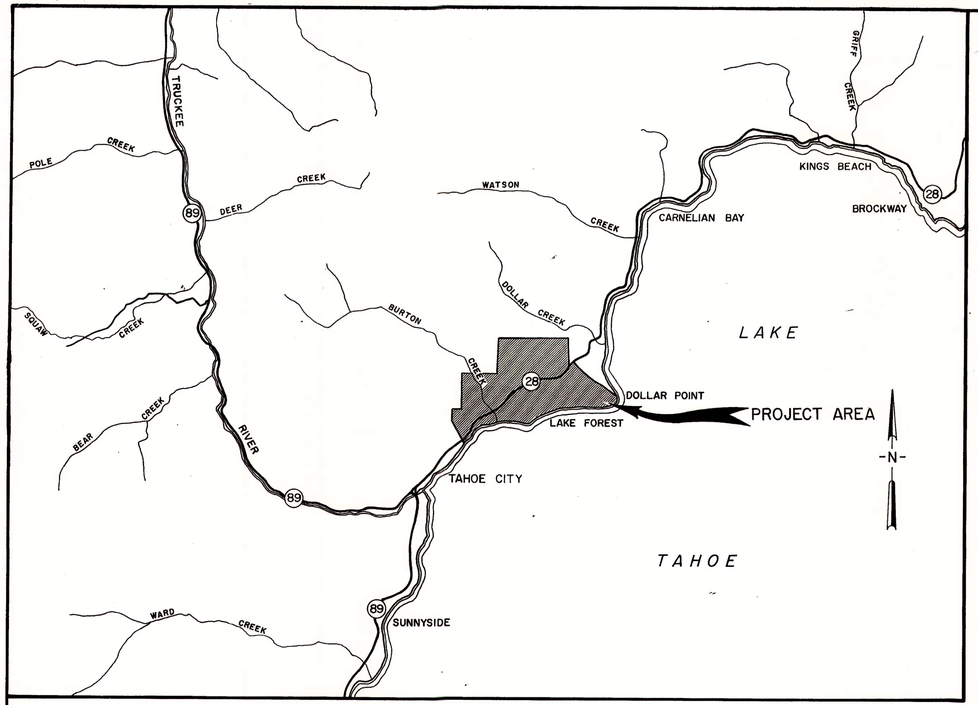

LOCATION MAP

SCALE IN MILES

½ 0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT

TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR

SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F. BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding
STANLEY J. SPALDING, R.E. #14,928

APPROVED: W. B. Layton, Jr.
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL

SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

REVISION	DATE	DESCRIPTION	BY	APPD

SUBMITTED Stanley J. Spalding
APPROVED _____

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
INDEX AND LOCATION MAP

DATE: MAY 1967 | SHEET NO. 1 OF 79
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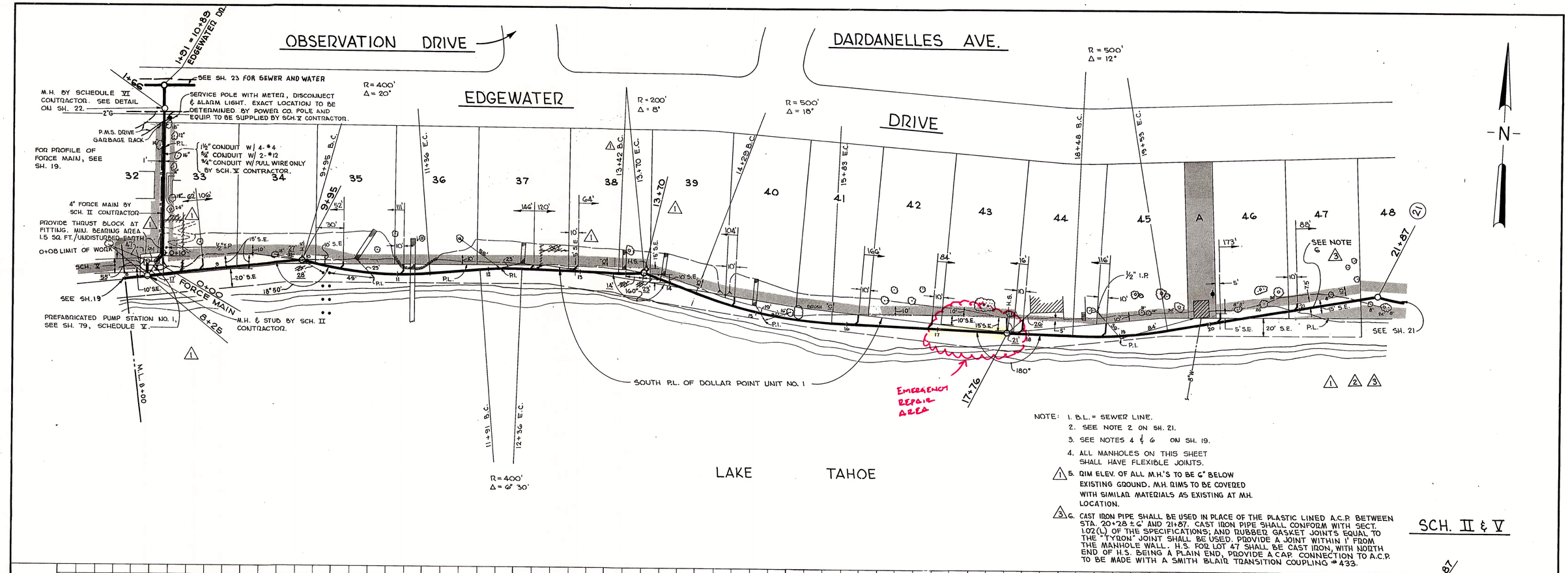

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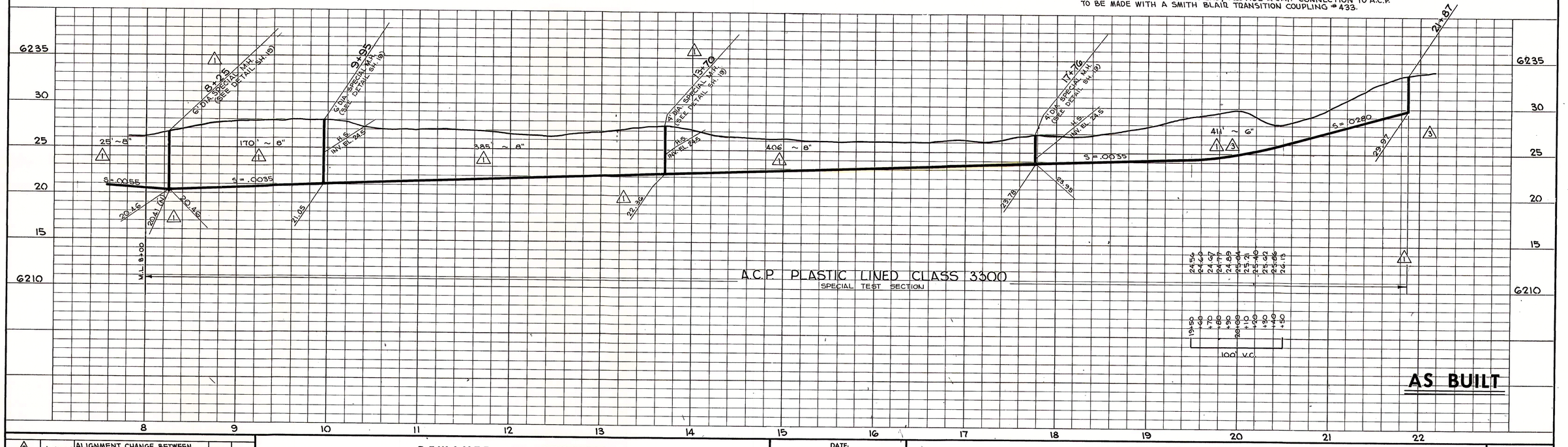
SCH. II & V



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DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

DRAWN: R.D.G.
CHECKED: S.J.S.
SUBMITTED: Stanley J. Spalding
APPROVED:

DATE: MAY 1967

SCALE:
HORIZONTAL 1" = 50'
VERTICAL 1" = 5'

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

SHEET NO. 20 OF 79

U4-1

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A

TO: Water Board Members

Patty Z. Kouyoumdjian

FROM: PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: February 28, 2019

SUBJECT: **EXEMPTION TO WASTE DISCHARGE PROHIBITION FOR DISCHARGE OF WASTE TO SURFACE WATERS OF THE LAKE TAHOE HYDROLOGIC UNIT FOR EMERGENCY SEWER REPAIR PROJECT, PLACER COUNTY**

I have signed the enclosed Notice of Applicability granting an exemption to the above-cited waste discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The exemption will allow the project proponent, Tahoe City Public Utility District, to replace a dislodged sewer pipe below the bed of Lake Tahoe. The project meets the requirements for an exemption to the discharge prohibition. Due to the emergency nature of the project, a public notice soliciting comments on the proposed project will not be posted on the Water Board's website.

Please contact me at (530) 542-5414 (Patty.Kouyoumdjian@waterboards.ca.gov), or Liz van Diepen, Engineering Geologist, at (530) 542-5492 (Elizabeth.vanDiepen@waterboards.ca.gov), if you have any questions or comments regarding this matter.

Enclosure: Notice of Applicability

cc: Tony Laliotis, Tahoe City Public Utility District
Jon LeRoy, Tahoe City Public Utility District
Matt Miller, Tahoe Regional Planning Agency
Shannon Friedman, Tahoe Regional Planning Agency
Joe Morgan, US EPA
Elizabeth Payne, State Water Board
Jennifer Thomason, United States Army Corps of Engineers
Patrick Moeszinger, California Department of Fish and Wildlife
Liz van Diepen, Lahontan Water Board

EvD/ma/T: Board Notice_Emergency Sewer Repair
File Under: ECM / 6A311902001

February 28, 2019 WDID 6A311902001

Tony Laliotis, Director of Utilities
Tahoe City Public Utility District
221 Fairway Drive
Tahoe City, CA 96145

Notice of Applicability: Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401 Water Quality Certification and Order for the Tahoe City Public Utility District Emergency Sewer Repair Project, Placer County

On February 5, 2019, the Tahoe City Public Utility District (Applicant), filed a Notice of Intent (NOI) with $1,638 filing fee requesting coverage for the Emergency Sewer Project (Project) from the Lahontan Regional Water Quality Control Board (Lahontan Water Board) under the October 9, 2018, State Water Resources Control Board (State Water Board) Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401 Water Quality Certification and Order. This State Water Board Order certifies the United States Army Corps of Engineers (USACE) Regional General Permit 8 for Repair and Protection Activities in Emergency Situations (General Certification Order).

The purpose of the Project is to repair and replace approximately 60 feet of sanitary sewer collection pipe that has failed and become dislodged from the bed of Lake Tahoe. Although a sewer bypass has been established to halt flow into Lake Tahoe, a permanent solution is necessary to reduce the risk of further discharge. The Lahontan Water Board will be granting an exemption to applicable waste discharge prohibitions and waiving the 10-day public notice requirement due to the emergency nature of the Project. After review of the NOI and the supplemental material submitted by the Applicant, the Lahontan Water Board has determined that the Project qualifies for enrollment under the General Certification Order.

The Lahontan Water Board is issuing this Project Notice of Applicability for USACE Regional General Permit 8, Repair and Protection Activities in Emergency Situations, subject to the conditions and the requirements described in the General Certification Order. This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

PROJECT LOCATION

The Project is located at 3328 Edgewater Drive in Tahoe City. Latitude: 39.1850, Longitude: -120.0989

APPROXIMATE TIMEFRAME OF PROJECT IMPLEMENTATION

Project implementation is planned to take three to four days, starting on February 6, 2019.

PROJECT DESCRIPTION

The dislodged 60-foot section of eight-inch asbestos-cement sewer pipe will be replaced along its previous alignment with eight-inch ductile iron pipe. All work within surface waters will be conducted from a floating barge and other watercraft. Prior to construction activities, a turbidity curtain will be installed to prevent suspended sediment from leaving the work area. Anchors will be pile driven into the lakebed to secure the replacement sewer pipe. Impacts to the bed of Lake Tahoe involve excavating down to the depth of the original alignment and pile driving anchors. Anticipated trenching will be 12 to 30 inches deep, 18 to 24 inches wide, and 60 feet long. Excavated lakebed material will be used to fill in the trench and smoothed to match surrounding lakebed contours. The Project will not involve the import of fill nor export of lakebed material.

CEQA COMPLIANCE

The Lahontan Water Board has determined that this Project is exempt from the California Environmental Quality Act (CEQA; Public Resources Code sections 21000, et seq.). In accordance with Section 15269, the basis for CEQA exemption is "Emergency Projects." A Notice of Exemption (enclosed) will be filed with the State Clearinghouse concurrently with issuing this Notice of Applicability.

Lahontan Water Board staff concurs with the Applicant that replacement of the damaged and dislodged pipe is time sensitive, and emergency response is necessary to maintain essential services.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITIONS

The Lahontan Water Board has adopted a Water Quality Control Plan (Basin Plan), which, in Chapter 5.2, specifies the following waste discharge prohibition:

1. *The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.*

Project-related activities involve the discharge of sediment to land below the highwater rim of Lake Tahoe.

EXEMPTION CRITERIA AND FINDINGS

The Water Board recognizes that emergency projects may require the discharge of waste to water as part of actions to address the emergency. Due to the exigencies of the emergency situation, normal (10-day) public noticing and Water Board action on granting prohibition exemptions may not be possible. For waste discharged as a result of emergency projects, exemptions to all prohibitions contained in this Basin Plan may

be granted by the Water Board's Executive Officer for emergency repairs to publicly or privately-owned service facilities necessary to maintain service essential to public health, safety or welfare. Exemptions to all waste discharge prohibitions for emergency projects may be granted when the Executive Officer finds that a specific project meets all of the following criteria:

a. *There is no feasible alternative to the project that would comply with the Basin Plan prohibitions.*

   Replacement of the damaged sewer pipe is the only feasible alternative that eliminates the current threat of further discharge and maintains essential sewer services.

b. *All applicable control and mitigation measures that are practicable have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.*

   Potential adverse impacts to water quality will be temporary and limited in duration and extent. There will be no net fill nor export of material. Temporary impacts will be mitigated through the installation of a turbidity curtain to contain any suspended sediment resulting from trenching activities.

EXEMPTION GRANTED

Resolution No. R6T-2015-0038 delegates to the Executive Officer the authority to grant an exemption to Basin Plan waste discharge prohibitions when the Basin Plan exemption conditions are met. As demonstrated, above, the Project meets the conditions in the Basin Plan for granting an exemption. There will be no 10-day public notice required due to the findings regarding the emergency nature of the Project. The Project is hereby granted an exemption to the above-referenced waste discharge prohibition.

GENERAL INFORMATION

1. The General Certification Order can be found on the State Water Resources Control Board's website at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf

2. The Project must proceed in accordance with the information provided in the Notice of Intent submitted by the Applicant, and the requirements contained in this Notice of Applicability and General Certification Order. Coverage under the General Certification Order is no longer valid if the Project is modified.

The Water Board has an electronic filing system. **Please send all future communications regarding your project to** Lahontan@waterboards.ca.gov**, and include the Project/Facility Name, General Certification Order and Waste Discharge Identification (WDID) numbers in the transmittal email subject line**. Your General Certification Order and WDID numbers are noted above in the subject line.

We look forward to working with you in your efforts to protect water quality. Please contact me at (530) 542-5414 (Patty.Kouyoumdjian@waterboards.ca.gov), Liz van Diepen, Engineering Geologist, at (530) 542-5492 (Elizabeth.vanDiepen@waterboards.ca.gov), or Rob Tucker, Senior Water Resource Control Engineer, at (530) 542-5467 (Robert.Tucker@waterboards.ca.gov), if you have any questions or comments regarding this permit.

Patty Z. Kouyoumdjian

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: CEQA Notice of Exemption

cc: Jon LeRoy, Tahoe City Public Utility District
Matt Miller, Tahoe Regional Planning Agency
Shannon Friedman, Tahoe Regional Planning Agency
Joe Morgan, United States Environmental Protection Agency
Elizabeth Payne, State Water Board, Division of Water Quality
Jennifer Thomason, United States Army Corps of Engineers
Patrick Moeszinger, California Department of Fish and Wildlife
Trevor Miller, Lahontan Water Board
Liz van Diepen, Lahontan Water Board

EvD/ma/T: 2018-0025-EXEC_Emergency Sewer Repair Project NOA_WDID No 6A311902001
File Under: ECM / 6A311902001

Notice of Exemption

To: Office of Planning and Research
PO Box 3044
1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

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

Project Title: Emergency Sewer Repair Project

Project Location - Specific: 3328 Edgewater Drive

Project Location – City: Tahoe City **Project Location - County:** Placer

Description of Project: Replacement of a dislodged sewer pipe

Name of Public Agency Approving Project: Lahontan Regional Water Quality Control Board,

Name of Person or Agency Carrying Out Project: Tahoe City Public Utility District

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 21080(b)(l); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☒ Emergency Project (Sec. 15269(b));
- ☐ Categorical Exemption.
- ☐ Statutory Exemptions.

Reasons why project is exempt:

The RWQCB, Lahontan Region finds that this project, as permitted, will not have a significant effect on the environment and shall, therefore, be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15269(b), Emergency Project.

Responsible Agency Contact Person: Liz van Diepen **Area Code/Telephone/Extension:** (530) 542-5492

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Patty Z. Kouyoumdjian Date: 02-28-2019 Title: Executive Officer, Lahontan Region

☐ Signed by Responsible Agency

☐ Signed by Applicant

Date received for filing at OPR:_____

NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

PROPERTY OWNER		
Name: Tahoe City Public Utility District	Phone Number: 530-583-3796	
Mailing Address: 221 Fairway Drive (or P.O. Box 5249)		
City: Tahoe City	State: Ca	ZIP Code: 96145
Contact Person: Tony Laliotis / Jon LeRoy	E-Mail: tlaliotis@tcpud.org / jleroy@tcpud.org	
PROSPECTIVE ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any): 3328 Edgewater Drive		
Nearest Cross Street(s): Observation Drive or Dardanelles Ave		
County: Placer County	Total size of project site (acres): 120 SF	

Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. 39 Min. 11 Sec. 06

W. Longitude Deg. 120 Min. 05 Sec. 56

DD: N. Latitude _____

W. Longitude _____

Map Attached: ☒Yes ☐ No

Photos Attached: ☒Yes ☐ No

DISCHARGE INFORMATION	
Names of Receiving Water(s):	
Lake Tahoe	
Receiving Water Types:	
☒Lake/Reservoir	☐Riparian Area
☐Ocean/Estuary/Bay	☐Vernal Pool
☐River/Streambed	☐Wetland

Emergency Project Description:

Emergency repair/replacement of approximately 40 to 60 feet of 8-inch ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe. The system has been manually plugged and a temporary by-pass has been installed. The temporay system and by-pass creates risk of discharge through the winter.

NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

Proposed Solution to Emergency:
Please see attached description
Erosion and Sediment Control Measures Proposed:
A sediment curtain will surround the work area and remain in place until turbity levels have reached required levels and authorization to remove has been given.
Description of how Emergency Definition is Satisfied: (i.e., unexpected; potential loss of life or property)
The existing pipe failed as a result of a severe weather event. Repairs will restore the active sewer facility and protect exposure to sanitary sewer.
Which of these criteria does the project satisfy? (Check all that apply)
☐ Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.
☒ Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.
☐ Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.
☐ Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
☐ Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the estimated discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	*Cubic Yards*	*Linear Feet*	*Acres*	*Cubic Yards*	*Linear Feet*
Lake/Reservoir	120 sf	8-9 CY	60 LF			
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 8 will be complied with."

Signature of Discharger	Title
	TCPUD - Director of Utilities
Printed or Typed Name Tony Laliotis	Date 2-5-19

NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

Tahoe City Public Utility District – Emergency Sewer Repair
February 5, 2019

Proposed Solution to Emergency:

The existing sanitary sewer has been isolated, sealed, and by-passed. The by-pass is currently manned by District staff 24 hours a day, seven days a week, and will be maintained as such until the replacement sewer pipe has been tested and approved for use. The by-pass is located along the drainage easement adjacent to the eastern property line of 3328 Edgewater Drive and will be discharged into the Districts' sanitary sewer collection main along Edgewater Drive. All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work. The District also has backup equipment including vehicle Vactor's onsite should the by-pass pumps and backup pumps fail, and has contacted member utility agencies in North and South Lake Tahoe for mutual assistance backup if needed.

The dislodged section of sewer pipe will be replaced along the same horizontal and vertical alignment and of the same pipe diameter. The replacement pipe will be 8-inch ductile iron pipe rather than the original ACP pipe material, and will be joined with mechanical or restrained fittings. The replacement pipe will be anchored in place by steel pipe pile-driven beneath the sewer pipe and fastened (saddle and bolts).

Site access for the contractor (Ginsburg and Sons, Inc.) will be primarily lake (water) access using a floating barge, LARK, and additional water craft (as needed). This equipment is currently very near the project site working on a separate unaffiliated permitted project. Additional foot access to the area will be along the drainage swale located along the eastern property line of 3328 Edgewater Drive. This drainage easement is not accessible to vehicle (tracked or wheeled) equipment.

Prior to any construction activities, the contractor will install a sediment curtain that will surround and contain the work area. The curtain is 150 LF in length and 5 ft. in depth. The base of the curtain contains an integrated anchor chain sleeved throughout its length (1lb/ft.) that will follow the contours of the lake bed. The District owns several turbidity meters and regularly measures turbidity as part of its ongoing operations and will monitor turbidity throughout the construction and after until such time as the work area has been approved for removal of the sediment curtain. Samples for turbidity testing will be taken immediately outside of the turbidity curtain and 100-ft up-wind (background sample) of the worksite. The District understands that the water quality objective for turbidity is not to cause an increase of over 10% of the background sampling and will strive and adjust protections as needed to maintain this objective.

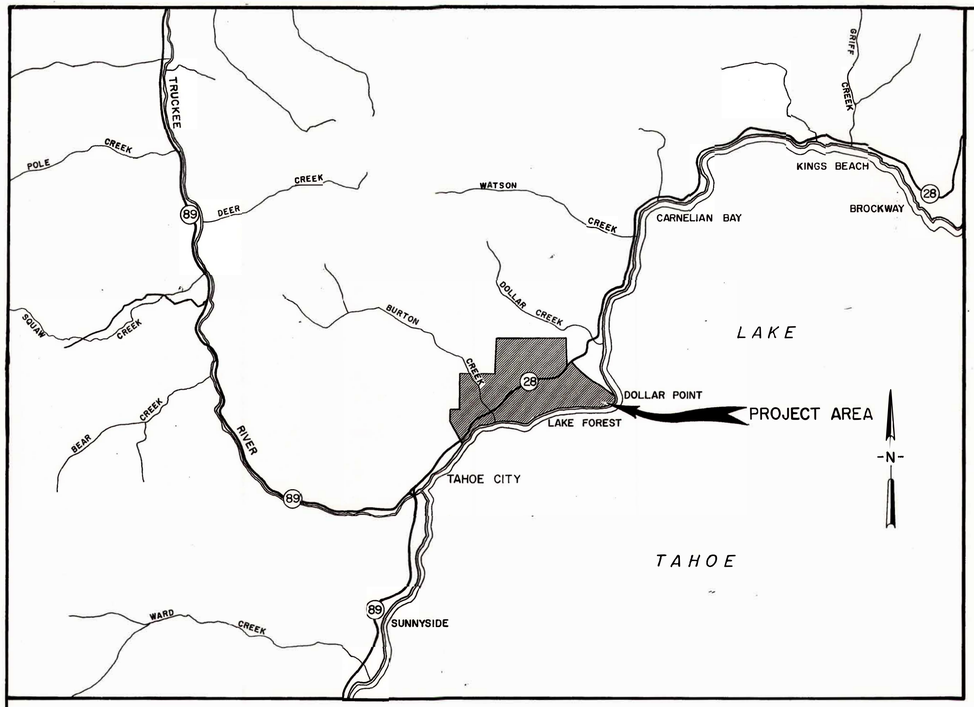
Upon completion of the installation of the sediment curtain, 4-inch steel pipe (7 ft in length) will be pile driven into the lake bed directly below the flowline of the sewer pipe. Flat steel plates will be welded to the top of the 4-inch pipe prior to installation. Fabrication of the piles and steel plates will be performed offsite at the contractor's facility. Any additional onsite modifications required for installation will be performed and contained on and within the floating barge used for this construction.

The replacement ductile iron pipe will be fitted/joined together above the water surface on the contractor's barge and then lowered into place. Saddles will be installed along the replacement pipe and fastened onto the pre-fabricated welded bolts of the steel plates. Saddles will also straddle

the connection points to the existing intact ACP sewer to provide additional support and restraint. Following installation and fastening of the replacement pipe, it will be pressure tested per code requirements and confirmed that it is completely sealed.

Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. Trench excavation will be to the original alignment and is estimated to range in depth from 12-30 inches. The trench limits is estimated to be 60-ft in length and 18-24 inches in width. The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed. There is no import or export proposed or anticipated for this work.

The attached original cover sheet and plan and profile shows the site location, area of the sewer failure, and the horizontal and vertical alignment. A cross-section of the proposed anchoring system is also included.



LOCATION MAP

SCALE IN MILES.

½ 0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT

TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR

SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F. BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding
STANLEY J. SPALDING, R.E. #14,928

APPROVED: W. B. Layton, Jr.
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL

SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA.

REVISION	DATE	DESCRIPTION	BY	APPD

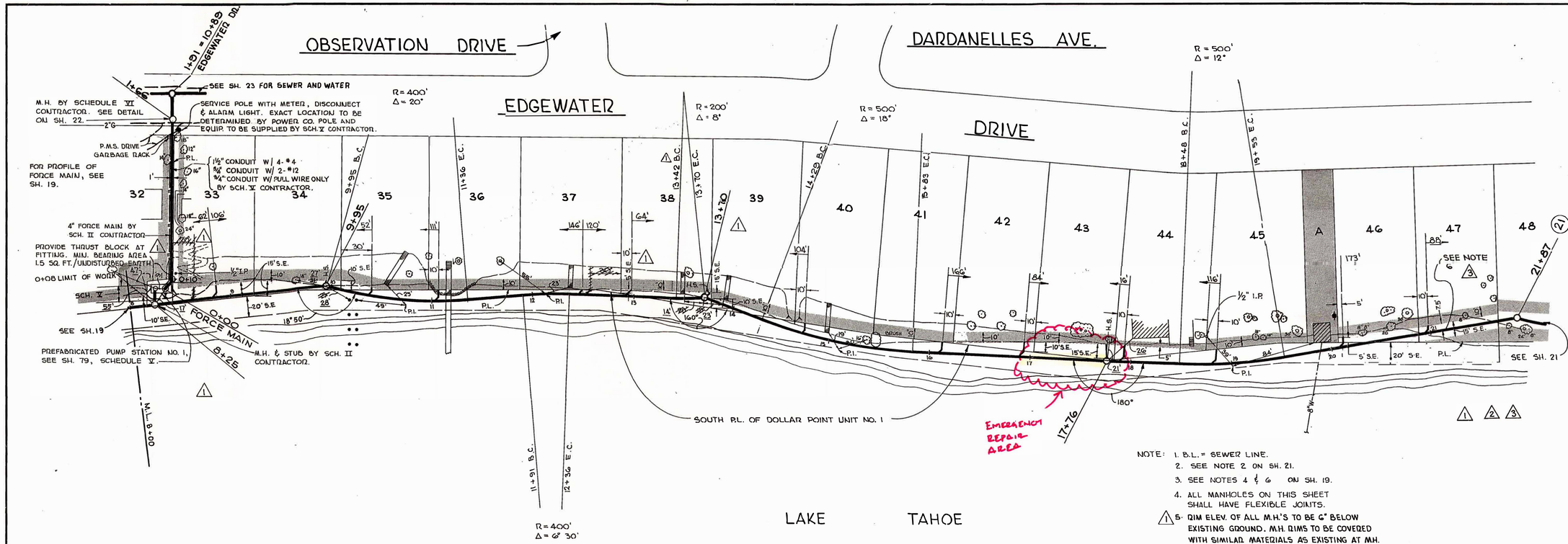
SUBMITTED Stanley J. Spalding
APPROVED

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
INDEX AND LOCATION MAP

DATE: MAY 1967
CHKD. S.J.S. | DRWN. R.N.E.
SHEET NO. 1 OF 79

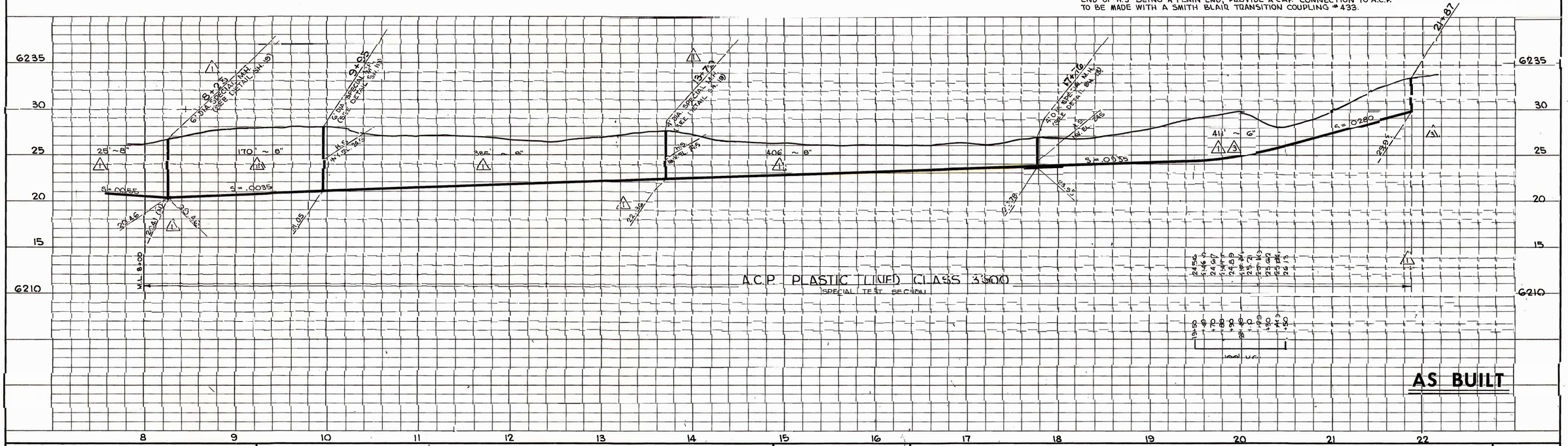
U4-1

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A



NOTE: 1. B.L. = SEWER LINE.
2. SEE NOTE 2 ON SH. 21.
3. SEE NOTES 4 & 6 ON SH. 19.
4. ALL MANHOLES ON THIS SHEET SHALL HAVE FLEXIBLE JOINTS.
1 5. RIM ELEV. OF ALL M.H.'S TO BE 6" BELOW EXISTING GROUND. M.H. RIMS TO BE COVERED WITH SIMILAR MATERIALS AS EXISTING AT M.H. LOCATION.
3 6. CAST IRON PIPE SHALL BE USED IN PLACE OF THE PLASTIC LINED A.C.P. BETWEEN STA. 20+28 ± 6' AND 21+87. CAST IRON PIPE SHALL CONFORM WITH SECT. 102(L) OF THE SPECIFICATIONS; AND RUBBER GASKET JOINTS EQUAL TO THE "TYTON" JOINT SHALL BE USED. PROVIDE A JOINT WITHIN 1' FROM THE MANHOLE WALL. H.S. FOR LOT 47 SHALL BE CAST IRON, WITH NORTH END OF H.S. BEING A PLAIN END, PROVIDE A CAP. CONNECTION TO A.C.P. TO BE MADE WITH A SMITH BLAIR TRANSITION COUPLING #433.

SCH. II & V



AS BUILT

REVISION	DATE	DESCRIPTION	BY	APPD.
3	4-20-68	ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+66. NOTE 6 ADDED.	R.C.L.	S.J.S.
2	10-13-67	ALIGNMENT CHANGE BETWEEN STA. 19+97 & 21+66.	R.C.L.	S.J.S.
1	8-2-67	PUMP STATION & FORCE MAIN MOVED. ALIGNMENT CHANGE AT STA. 13+70 & BETWEEN STA. 20+20 & 21+66.	R.J.A.	S.J.S.

DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

DRAWN: R.D.G.
CHECKED: S.J.S.
SUBMITTED: Stanley J. Spalding
APPROVED:

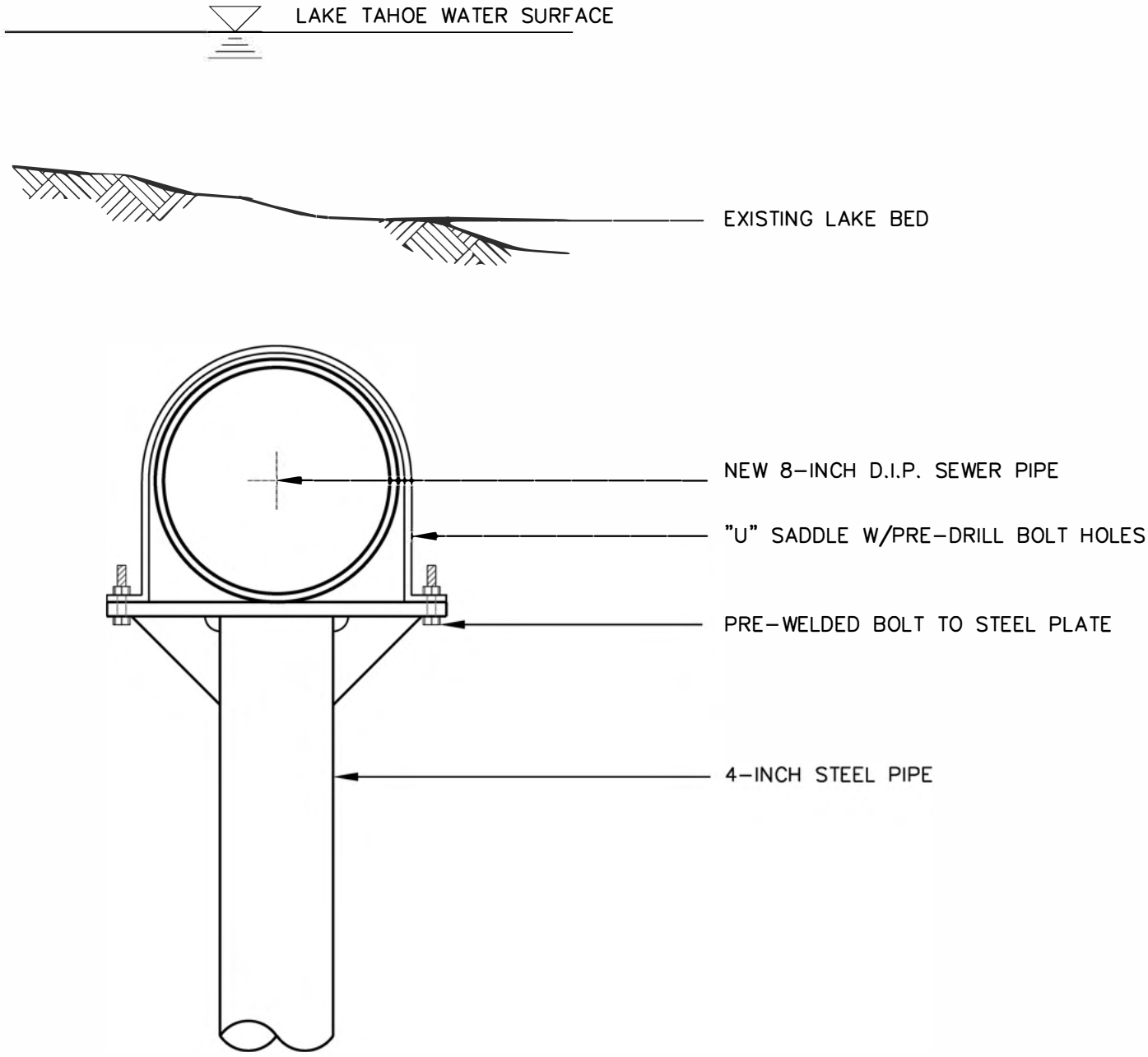
DATE: MAY 1967

SCALE:
HORIZONTAL 1" = 50'
VERTICAL 1" = 5'

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

SHEET NO. 20 OF 79

U4-1



PROPOSED SEWER REPLACEMENT CROSS SECTION

TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

SHOREZONE PROJECT APPLICATION

☐ New Pier	☐ Water Intake Line	☐ Boat Ramp	☐ Shoreline Protective Structure
☐ Pier Modification	☐ Concessions	☐ Beach Raking	☒ Filling & Dredging
☐ Floating Platforms	☐ Banking	☐ Transfer	☐ Other

Applicant Tahoe City Public Utility District

Mailing Address PO Box 5249 City Tahoe City State CA

Zip Code 96145 Email jleroy@tcpud.org Phone 530-580-6336

Representative or Agent Auerbach Engineering Corp., Lydia Altick

Mailing Address PO Box 5399 City Tahoe City State CA

Zip Code 96145 Email laltick@auerbachengineering.com Phone 530-581-1116 ext.10

Owner _____ ☒ **Same as Applicant**

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____

Project Location/Assessor's Parcel Number (APN) In Lake Tahoe south of parcels 093-094-041, and 042

Street Address 3328 & 3320 Edgewater Drive, Tahoe City

County: Placer **Previous APN(s)** N/A

Local Plan: Placer County Tahoe Basin Area Plan, Dollar Point Subdistrict

Property Restrictions/Easements *(List any deed restrictions, easements or other restrictions below in the space provided.)*

☐ None 2- sewer easements: 1) 1162/OR/040 (Lot 42), and 2) 1170/OR/097 (Lot 43)

I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed. **Initial here:** _____

Is the property owner a member of a homeowners' or similar association or club? ☐ Yes ☐ No N/A

If so, name of homeowner's association or similar association: _____

APPLICATION SIGNATURES

DECLARATION:

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project.

Signature:

_____ At Placer Date: _____

Owner or Person Preparing Application *County*

AUTHORIZATION FOR REPRESENTATION:

Complete this section only if an agent or consultant is submitting this application on behalf of the property owner.

The following person(s) own the subject property **(Assessor's Parcel Number(s)** 093-094-041, and 042 **)** or have sufficient interest therein (such as a power of attorney) to make application to TRPA:

Print Owner(s) Name(s):

_____

_____

I/We authorize Auerbach Engineering Corp. to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative, to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s):

_____ Date: _____

_____ Date: _____

FOR OFFICE USE ONLY

File Number: _____

Date Received: _____ Received By: _____

Filing Fee: $_____ Receipt No.: _____

- Existing and proposed lake bottom elevations and topography

☐ **Water Quality Mitigation Plan**

☐ **Color photographs of existing conditions from Scenic Corridor, taken 300' lakeward of highwater**

☐ **Color photographs of existing shorezone structures and areas directly adjacent, taken 300' lakeward of highwater**

☐ **Baseline scenic analysis, demonstrating contrast rating score of 21**

☐ **Scenic analysis of proposed project, demonstrating a minimum resulting contrast rating score of 25**

☐ **Noticing materials for notification of adjacent properties for Governing Board approval**

- List of names, addresses, and APNs of property owners within 300 feet of the perimeter of the project area
- Stamped, addressed envelopes to the same (mailing addresses) with no return address
- 8 ½" x 11' plan reductions of site plan, elevations, and floor plans

☐ **Construction Methodology Plan and schedule (including but not limited to proposed methods of demolition, construction access, staging locations, method and location of spoil material disposal, and temporary best management practices)**

☐ **Tahoe Yellow Cress survey. If Tahoe Yellow Cress is present, a mitigation and avoidance plan is required**

☐ **Fish habitat mitigation plan, if project is located in feed and cover or spawning habitat**

☐ **Material and color samples**

☐ **Initial Environmental Checklist**

☐ **Applicable findings explanation and rationale**

FILLING AND DREDGING

☒ **Completed and signed application form**

☒ **Application fee**

☒ **Detailed project description**

☒ **Evidence that dredging has previously been approved in the proposed location**

☒ **One (1) copy of the existing and proposed site plan (24" x 36") showing the following:**

- All property lines and distance from the property lines to the proposed project
- Map scale & north arrow
- Assessor Parcel Number (APN), property address, owner name
- Parcel size in square feet
- Topographic contour lines at 2' intervals
- Verified land capability districts and backshore boundary
- High and low water lines
- Elevation 6,219' Lake Tahoe Datum
- Location and extent of area to be dredged
- Amount of material to be dredged
- Proposed dredging depth
- Geologic features below elevation 6,229 (large boulders, etc.)

- Temporary and permanent BMPs
- Staging areas & construction access points

☒ **Construction methodology plan, including but not limited to, proposed methods of construction, construction access, staging locations, and temporary best management practices, and plan for disposal of dredged materials.**

☒ **Fish habitat mitigation plan, if project is located in feed and cover or spawning habitat** Map enclosed.

☒ **Initial Environmental Checklist**

☒ **Applicable findings explanation and rationale**

FLOATING PLATFORMS

☐ **Completed and signed application form**

☐ **Application fee**

☐ **Detailed project description**

☐ **Proof of TRPA-approved mooring buoy to be exchanged for platform**

☐ **One (1) copy of the existing and proposed site plan (24" x 36") showing the following:**

- All property lines and distance from the property lines to the proposed project
- Map scale & north arrow
- Assessor Parcel Number (APN), property address, owner name
- Parcel size in square feet
- Topographic contour lines at 2' intervals
- Verified land capability districts and backshore boundary
- High and low water lines
- Setback lines, projected perpendicular to the tangent of shoreline from the highwater line
- TRPA pier headline
- Elevation 6,219 Lake Tahoe Datum
- Location, dimension of, and distance to adjacent shorezone structures (piers, jetties, buoys, etc.)
- Location and dimensions of existing and proposed coverage
- Location and dimensions of existing and proposed shorezone structures
- Setbacks, including 20 feet from adjacent littoral parcel projection line boundaries and 50 feet from another mooring buoy
- Verified, allowable, existing, and proposed coverage for each land capability district including backshore
- Geologic features below elevation 6,229 (large boulders, etc.)
- Temporary and permanent BMPs
- Staging areas & construction access points

☐ **Elevation drawings including the following:**

- Highwater line and the lake bottom elevation at the end of the structure
- Lake bottom elevation relative to the proposed structure
- Platform elevation and dimensions

☐ **Cross- Sections, showing:**

- High and low water elevations

Project Description

Tahoe City Public Utility District
2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair
APNs 093-094-041, and 042

OVERVIEW

This project is for the work that was completed as part of an emergency repair for a sewer pipe (CODE2019-0009); work to replace boulders that were placed to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair; and also for similar work proposed for the adjoining 60 feet of sewer pipe west (downstream) of the previous emergency repair. The following description of emergency and repairs describes the work completed. The proposed work will utilize the same construction methodology and aquatic equipment access. The work is to commence late September after spawning season and when there is a 5 to 7-day calm forecast.

LOCATION

The location of the prior sewer pipe repair is along the shore line of Dollar Point community in Tahoe City, CA. beginning near the residence located at 3328 Edgewater Drive APN 093-094-041 and extending west to the residence at 3320 Edgewater Drive APN:093-094-042. Coordinates for the approximate location per Google Earth are 39°11'06" North and 120°05'56" West.

DESCRIPTION OF EMERGENCY AND REPAIRSA gravity sewer main ID 10157 became dislodged just after 1200 hours on January 5, 2019. This date and time correlate very well with a significant storm/wind event that affected the region. A wind summary for that date at the Truckee-Tahoe Airport shows significant peak gusts around mid-day on January 5, 2019. Excessive wave action and the specific lake elevation on that date contributed to significant erosion, scouring and impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged at the existing coupling locations. Lake water and debris quickly filled into the gravity main downstream of this location as well as into the manhole located along this section (MH1006). The gravel and debris in MH1006 acted as a filter for raw sewage debris, however it is evident by the water quality data that raw sewage was filtering into Lake Tahoe from the 17 homes located upstream of the spill site.

On January 23, 2019 at approximately 0920 hours, the Tahoe City PUD received a phone call from the property owner at 3228 Edgewater Drive regarding some sewer pipe in the water that appeared to be cut up and left in the water below his house. A work order was immediately generated. However, due to internal miscommunication, it was not followed up immediately due to internal miscommunication.

On January 30th at 1500 hours, MH1006 was unsealed and unbolted and appeared to be surcharged to Lake Level indicating the likelihood of an active sanitary sewer overflow. The immediate cause was identified as the dislodging of a section of sewer main (ID 10152) downstream from MH1006. Tony Laliotis, TCPUD Director of Utilities, notified Lahontan Regional Water Quality Control Board at approximately 1600 hrs. CAL OES was notified at approximately 1620 hours and was the incident was assigned control # 19-0710.

The same day, TCPUD Crews immediately responded and began constructing a 6-inch diameter vacuum suction line to connect to the TCPUD Vactor truck to begin vacuum bypassing flow from MH1006. While

the suction lift and distance from MH1006 to the road elevation is significant (between 50-60 feet of lift and 190-200 feet of run), TCPUD has employed this same setup successfully in annually cleaning and maintaining the wet well of the sanitary sewer lift station that collects the sewage from that area. An attempt was made to bypass MH1006 at approximately 1850 hours with the Vactor. Unfortunately, due to the outlet of MH1006 being essentially open and submerged under lake level by about 14 inches, the Vactor suction could not keep up with the constant inflow of the lake. A second Vactor truck was brought on site and resulted in the same performance restrictions. Due to significant rocks and sand in the manhole, a plug could not be inserted into the outlet of the manhole to seal off the lake. Bypass pumping equipment was installed and directed to a manhole on Edgewater Drive. Pumping commenced at approximately 2245 hours and debris was removed to allow a plug to be successfully inserted in the outlet of MH1006 at approximately 2300 hours on January 30, 2019. This effectively stopped the spill. Very little if any sewage related debris was found outside of the manhole. All debris from within the manhole was removed and returned to the sanitary sewer system.

February 6th a marine excavator contractor was mobilized to the site via aquatic equipment which included a LARK, barge, and excavator (positioned on barge) to install turbidity curtain.

Initial mobilization and installation of turbidity curtain.

Initial pile driving for pipe anchor supports.

February 7th the contractor dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Material from the excavation were placed parallel and adjacent to the trench between the shoreline and trench. The contractor and TCPUD crews also installed temporary manhole riser rings onto adjacent submerged manhole lid to provide additional protection to the sewer bypass pumping and worker's safety. In addition, the contractor initiated driving the pipe support pilings. During construction activity TCPUD engineering and geotechnical consultant NV5 visited the site to confirm soils properties. Based on conversations with consultant, pipe support piles driven to a depth of 4-ft are estimated to provide adequate uplift resistance to the repair design.

Placing and adjusting temporary manhole risers.

On February 8th strong winds and wave action preceding a severe weather event necessitated demobilization of the Contractors' equipment. TCPUD staff contacted the Lahontan Regional Water Quality Control Board and TRPA to discuss demobilization and a decision was made to remove the turbidity curtain along with the equipment. A summary of this decision and Report Type-4 for the Violation of Compliance with Water Quality Standards Report dated February 13, 2019 is included in the attachments.

Between February 9th and February 22nd no remobilization of construction equipment or repair attempts other than fortifying the manhole risers and by-pass pumping system (Fig. 4 & 5 above) was made during this period due to prolonged weather events. TCPUD operated and maintained sewer bypass pumping 24/7.

On February 23rd in an effort to improve protections for worker safety and by-pass system operations from continuing storm activity and rising lake levels, the TCPUD directed the Contractor to install approximately 20-ft of sheet piling around the sewer manhole (Sta:17+65). The TCPUD notified

Sheet piling installed near sewer manhole.

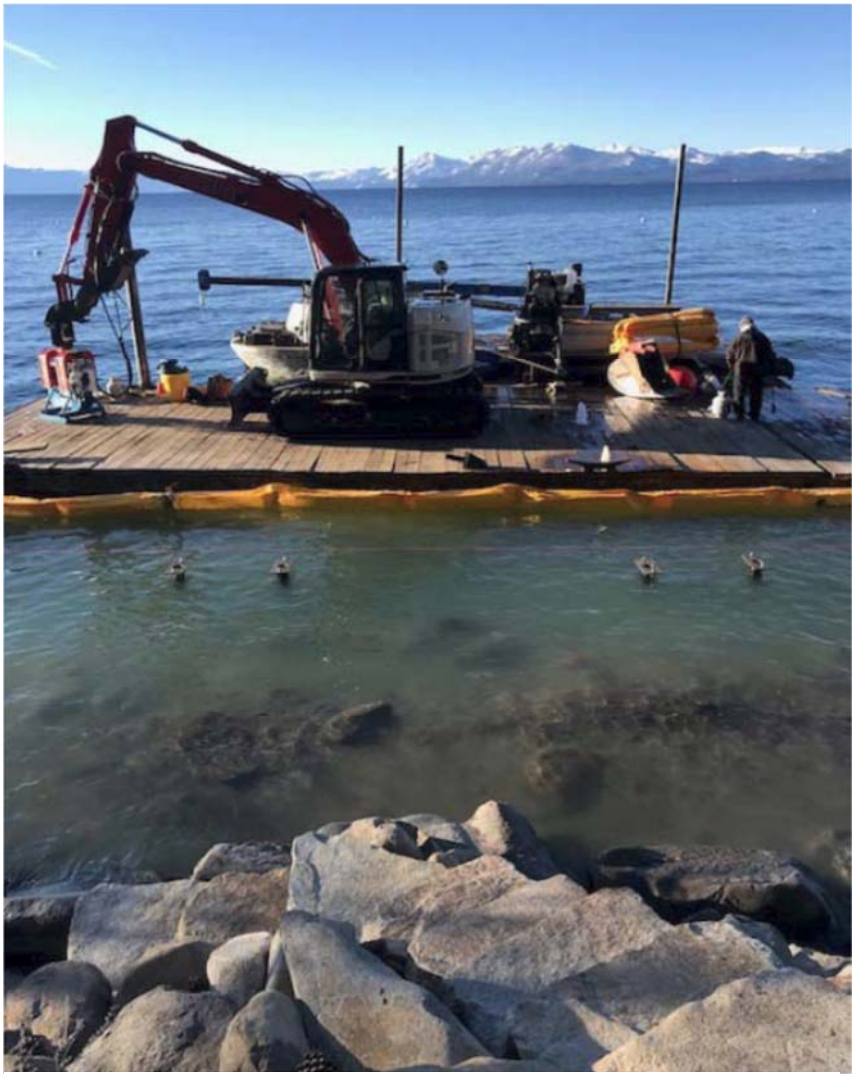
Lahontan and TRPA of this activity on Thursday, February 21st, hoping to mobilize the next day. However, weather prevented mobilization until Saturday, February 23rd. Installation of the sheet piles was completed at approximately 2:00 pm on that Saturday.

Between February 24th and March 3rd, no remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events.

On March 4th, severe wave action from a prolonged storm event damaged bent and loosened the installed sheet piling. The District instructed the contractor to remobilize and remove all sheet piling previously installed as it no longer provided any additional protection. During the removal, of the sheet piling, the contractor was further instructed to rearrange the existing boulders adjacent to the manhole and add additional temporary boulders at this location to dissipate the ongoing wave energy.

Between March 5th and March 12, no remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events. The TCPUD and pumping contractor maintained by-pass operations. No incidence of sewer discharge occurred.

March 13th through the 15th calm weather prevailed and the contractor re-installed the turbidity curtain and commenced repairs. During this time, the trench line was re-dredged, and all 10 pipe anchor support piles were driven to an estimated depth of 4 feet. The replacement pipe was connected and sealed, maneuvered into position, and attached to the anchor support piles. On March 15th, the sewer bypass system that was initiated on January 31, was terminated.



Trench dredged and pipe anchor support piles partially driven.

Maneuvering pipe into position.

On March 16th the contractor hand sorted large rocks from the dredged material that was placed adjacent to the trench alignment and pulled/dragged the remaining material to backfilled the pipe trench.

Pipe in place.

March 19th the TCPUD notified Lahontan and TRPA that turbidity levels had reached 10% of the background levels and proceeded with removal and demobilization from project site.

The manhole risers and the temporary boulders will be removed as part of the proposed sewer pipe repair project. They were left in place to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair.

PERMITS

Upon discovery (January 30th), TCPUD staff immediately notified CAL OES and the Lahontan Regional Water Quality Control Board. The following morning, TCPUD notified the US Army Corps of Engineers, Tahoe Regional Planning Agency, CA State Water Board, U.S. Fish and Wildlife Service, Ca. Dept. of Fish and Wildlife, Nevada FWS, National Marine and Fisheries Service, and the USEPA (via ACOE). The following list provides the applications requested:

Tahoe Regional Planning Agency (TRPA)	Petition for Expedited Review, and Shorezone Permit Application for Filling and Dredging
United State Army Corp of Engineers	RPG 8, and Form 4345, Authorization to proceed with emergency repair
California Department of Fish and Wildlife	Notification of emergency work
Lahontan Regional Water Quality Control Board (Lahontan)	NOI

TAHOE REGIONAL PLANNING AGENCY

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Fax: (775) 588-4527

MAIL
PO Box 5310
Stateline, NV 89449-5310

trpa@trpa.org
www.trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday

New Applications Until 3:00 pm

PETITION FOR EXPEDITED REVIEW

All requests for expedited project review in accordance with the Tahoe Regional Planning Agency's "Project Application Assignment Expedited Review Guidelines" shall be made in writing using this form. Certain emergencies (as defined in Section 5.20 of the TRPA Rules of Procedure, enclosed) may be exempt from this requirement.

Please complete all of the following:

☐ Washoe Co. ☒ Placer Co. ☐ El Dorado Co. ☐ Douglas Co. ☐ Carson City

Applicant Tahoe City Public Utility District Phone 530-583-3796

Agent Jon LeRoy (TCPUD) Phone 530-580-6336

Assessor's Parcel Number (APN)/**County** Shoreline between APN: 093-094-041/42 - Placer County

Application Submittal Date January 31, 2019

TRPA File No. (if assigned) n/a

Nature of Request
☒ First Order Priority (Emergency)
☐ Second Order Priority
☐ Third Order Priority
☐ Fourth Order Priority

Description of Project. Please provide details, circumstances, reasons for the request, and other relevant information as it relates to one of the four orders of priority described in the TRPA Executive Director's Expedited Request Guidelines. (Attach additional sheets if necessary):

Please see attached description (Memorandum to ACOE)

DECLARATION:
I DECLARE under penalty of perjury that this petition and all information submitted as part of this petition is true and accurate, to the best of my knowledge. Should any information or representation submitted in connection with this petition be incorrect or untrue, TRPA may rescind any approval or take appropriate action. I further understand that additional information may be required by TRPA to review this request.

Signature: **(Original signature required.)**

[signature] At PLACER On 1/31/19
Owner or Person Preparing Application — County — Date

FOR OFFICE USE ONLY

Date Received: 1/31/19 By: MMiller Fee: $ None

RESPONSE TO PETITION FOR EXPEDITED REVIEW
(To be completed by TRPA Staff)

RECEIVED
JAN 31 2019
TAHOE REGIONAL PLANNING AGENCY

To: Joe LeRoy

DETERMINATION
[signature] 2/6/19
EXECUTIVE DIRECTOR / DESIGNEE DATE
TAHOE REGIONAL PLANNING AGENCY

Applicant: TCPUD

APN/County: Placer County

DETERMINATION

☑ The petition for expedited review submitted on 1/31/19 is granted.

☐ The petition for expedited review submitted on _____ is not granted. The application will be reviewed in date order from the date the application is determined "complete" (Section 5.3, TRPA Rules of Procedure).

Comments: An emergency permit for repair to the sanitary sewer in Lake Tahoe has been issued by TRPA. A retroactive permit application is required from the applicant All conditions of attachment S shall apply.

By: Matt Miller Title: Environmental Specialist Date: 2/6/19

TAHOE CITY PUBLIC UTILITY DISTRICT

MEMORANDUM

TO:	Jennifer C. Thomason (ACOE)	**DATE:**	January 31, 2019
C:			
FROM:	Jon LeRoy Senior Civil Engineer	**SUBJ:**	U.S. Army Corps of Engineers – Request for Authorization to proceed with Emergency Repair of Sanitary Sewer Pipe.

Description of Emergency:

The Tahoe City Public Utility District (TCPUD) is requesting immediate authorization to commence emergency repairs/replacement of approximately 40 to 60 feet of 8-inch plastic lined ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe.

On January 30, 2019, TCPUD staff discovered a failure in the Dollar – Edgewater sewer collection main running along the shoreline below Edgewater Drive in the Dollar Point community of Lake Tahoe. Staff witnessed four separated lengths of 8-inch ACP pipe lying exposed on the lake bed below approximately 4 feet of water. Upon further investigation staff witnessed the adjacent upstream sewer manhole contained standing water that had equalized with the surrounding Lake Tahoe water surface.

Based on downstream sewer pump station data, TCPUD staff estimates that the failure occurred on Jan. 5th during a storm event. The cause of the failure is unknown but we believe that it was likely caused by storm wave action. No alarms were received from the downstream sewer pump station. Upon discovery and investigation of the failure, District staff found the remaining exposed ends of the intact sewer pipes were plugged with lakebed sediment. This self-plugging likely allowed the sewer pump station to continue pumping without reaching high level alarm status. Actual sanitary sewer discharge quantities are not know at this time.

Following discovery TCPUD staff manually sealed/plugged the in-place sewer system and began a temporary (pumped) by-pass. The temporary by-pass began operating at approximately 11 pm on Jan. 30, 2019.

Specific Location:

The location of the failure is along the shore line of Dollar Point community in Tahoe City, Ca. beginning near the residence located at 3328 Edgewater Drive (APN 093-094-041) and extending west to the residence at 3320 Edgewater Drive (APN:093-094-042).

Coordinates for the approximate location per Google Earth are 39°11'06" North and 120°05'56" West.

The location is further identified on the attached plan sheet beginning at sewer manhole (Sta: 17+76) to approximate Sta: 17+00 downstream to the west.

Anticipated Repair Work:

The TCPUD has scheduled an emergency Board of Directors meeting for Friday, February 1st to request emergency contracting consistent with California Public Contracting Code. Additionally, the TCPUD has contacted several nearby contractors that work regularly within and around the shoreline of Lake Tahoe who are competent, qualified, and able to perform the work.

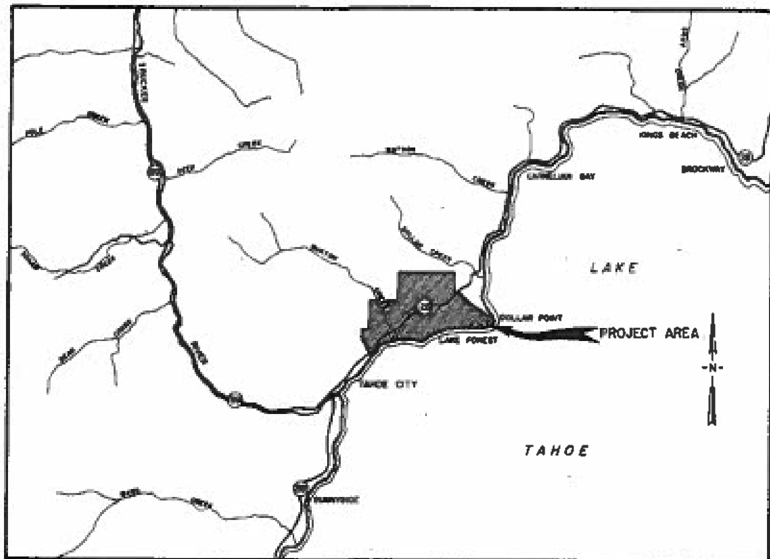
Specific details of the repair and reconnection of the sewer system are currently being vetted by staff engineers, however, the TCPUD anticipates that the work will likely involve replacement of the dislodged pipes with 8-inch ductile iron pipes combined with anchoring the replacement pipe in-place by either pile driving 4-inch steel pipe, excavation and placement of concrete anchor blocking, rock revetment placed over the top of pipe, or some combination thereof. Staff has requested that the contractor immediately explore attainable pile driving depths so that a comprehensive repair can be determined. If the contractor can attain pile driving to an acceptable depth (below the sewer alignment) without shallow bedrock refusal, the District will proceed with pile driving as the preferred method for anchoring the pipe against lateral and buoyant forces.

A sediment curtain has been ordered, is currently being transported, and expected to be deployed and isolate the repair area prior to any activity.

Additionally, we are aware of a substantial storm event that is approaching the Lake Tahoe area expected to begin Friday, February 1st and extend through the weekend. Depending on progress made until that time, staff may switch focus solely to storm protection with continuous monitoring and maintenance of the temporary by-pass system.

ATTACHMENTS:

- Tahoe City Public Utility District – Sewer Assessment District No. 4 – Lateral A
    - Cover Sheet
    - Plan/Profile sheet (repair area highlighted)



LOCATION MAP

SCALE IN MILES

TAHOE CITY PUBLIC UTILITY DISTRICT

TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR

SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding

APPROVED: W. B. Layton Jr. — WM. B. LAYTON, JR. TREAS.-MGR.

APPROVED: ______ JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL

SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

REVISION	DATE	DESCRIPTION	BY	APPD

SUBMITTED Stanley J. Spalding APPROVED

TAHOE CITY PUBLIC UTILITY DISTRICT

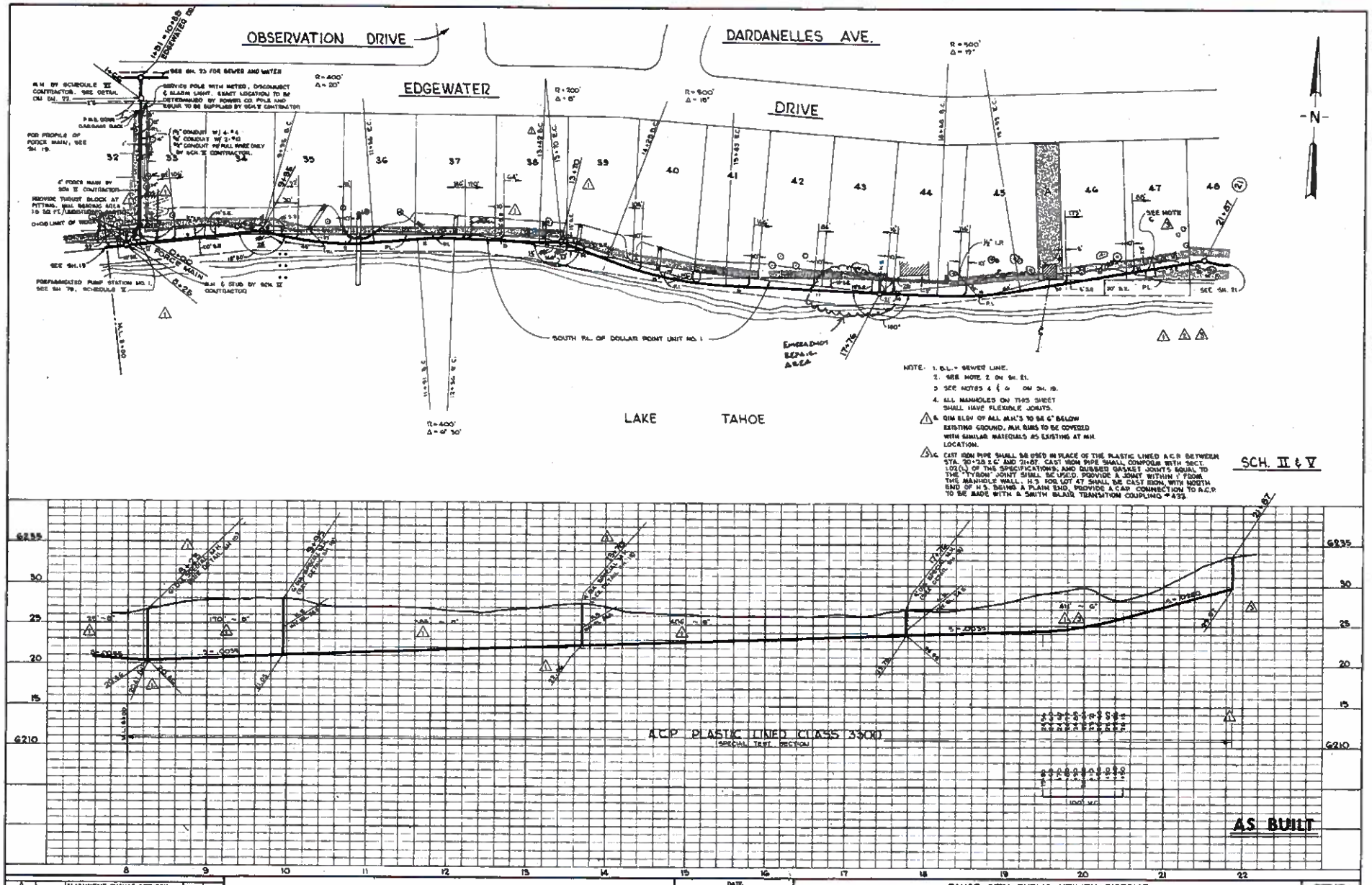
TAHOE CITY, CALIFORNIA

SEWER ASSESSMENT DISTRICT NO. 4

INDEX AND LOCATION MAP

DATE MAY 1967 | CHKD S.J.S. | DRWN R.H.E. | SHEET NO 1 OF 73

U4-1



REVISION	DATE	DESCRIPTION	BY	APPD.
3	6-20-68	ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+67. NOTE 6 ADDED.	R.C.L.	S.J.S.
2	10-9-67	ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+67.	R.C.L.	S.J.S.
1	8-2-67	PUMP STATION & FORCE MAIN MOVED. ALIGNMENT CHANGE BY STA. 18+92 & BETWEEN STA. 20+20 & 21+67.	R.J.A.	S.J.S.

DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

DRAWN: R.D.G.
CHECKED: S.J.S.
SUBMITTED: Stanley J. Spalding
APPROVED:

DATE: MAY 1967
SCALE: HORIZONTAL 1" = 50' VERTICAL 1" = 5'

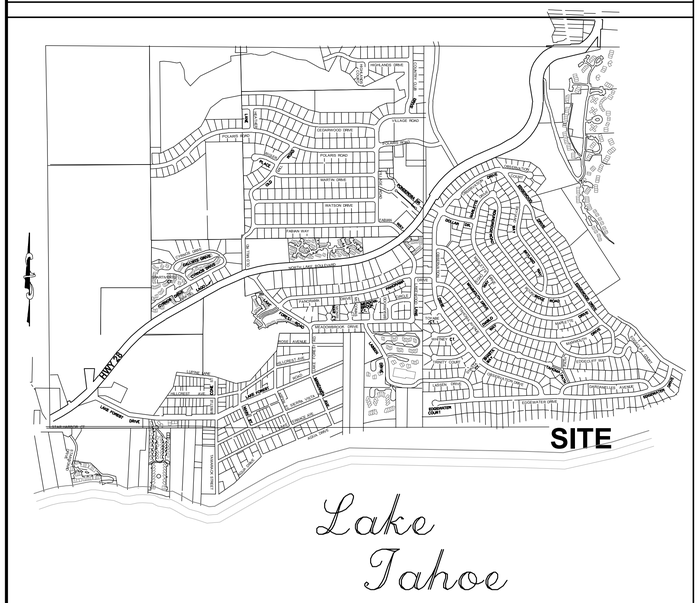
TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

SHEET NO. U4-1

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

IMPROVEMENT PLANS FOR
2019 TCPUD - DOLLAR PT. / EDGEWATER DR. SEWER REPAIR
TAHOE CITY, PLACER COUNTY, CALIFORNIA
APN: 093-094-041 & 093-094-042

VICINITY MAP



LEGEND

EXISTING

- 6245 — INDEX CONTOUR W/ ELEV.
- 6246 — INTERMEDIATE CONTOUR W/ ELEV.
- EDGE OF PAVEMENT
- TP-1 ELEV — CONTROL/TRAVERSE POINT
- PROPERTY LINE
- EASEMENT LINE
- ROCK RIPRAP
- ROCKERY WALL
- TURBIDITY CURTAIN
- SS — SEWER

PROPOSED

- TURBIDITY CURTAIN
- SS — SEWER

SHEET INDEX

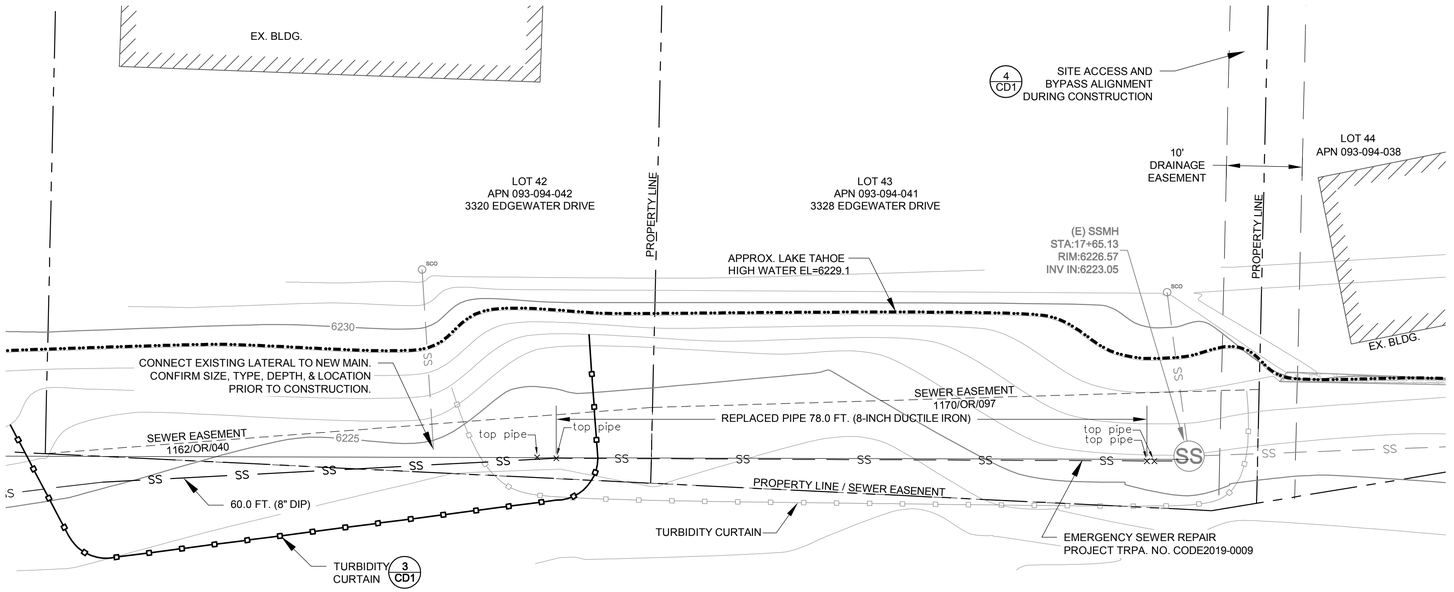
DATUM INFO

HORIZONTAL DATUM

HORIZONTAL DATUM IS CALIFORNIA STATE PLANE COORDINATE SYSTEM ZONE II NAD83 (1991.35). DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MEAN COMBINATION FACTOR (CF): 0.99962 TO CONVERT GROUND TO GRID ... MULTIPLY BY CF

VERTICAL DATUM

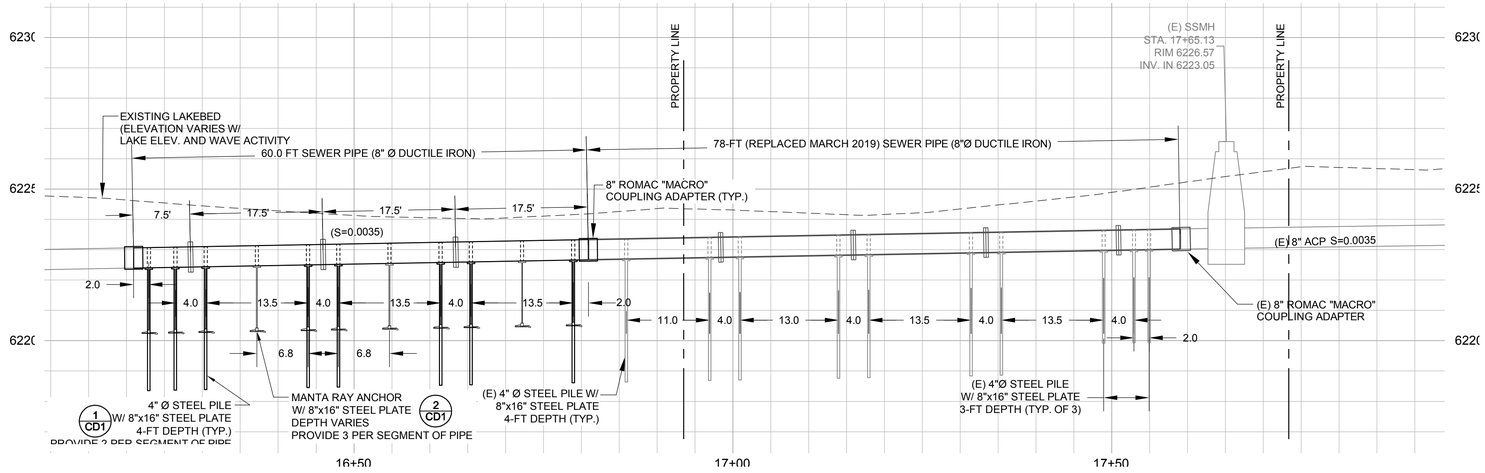
THE ELEVATIONS FOR THIS PROJECT ARE BASED UPON NGVD 29 DATUM, DEFINED BY BENCHMARK D 491 (PID KS0312), ELEV = 6477.51, LOCATED 2.5 MILES NORTHEAST ALONG STATE HIGHWAY 28 FROM THE POST OFFICE AT TAHOE CITY, AT THE T JUNCTION OF FABIAN WAY LEADING WEST, IN THE TOP OF AN 8' x 12' LAVA OUTCROP WHICH PROJECTS ABOUT 3 FEET ABOVE THE GROUND, 216 FEET NORTHWEST OF THE CENTER LINE OF HIGHWAY 28, 91 FEET SOUTHWEST OF AND ACROSS THE ROAD FROM POWER LINE POLE 2210, 38 FEET SOUTH OF THE CENTERLINE OF THE ROAD, 21 FEET WEST OF A 36 INCH PINE TREE, AND ABOUT 4 FEET HIGHER THAN THE ROAD.



LAKE TAHOE

PLAN

SCALE: 1"=10' (H)



PROFILE

SCALE: 1"=10' (H), 1"=2.5' (V)

REV	DATE	REVISIONS	BY

RECORD DRAWING

DATE ENGINEER INITIAL

REGISTERED PROFESSIONAL ENGINEER WALTER R. AUERBACH No. C34303 Exp. 9/30/19 CIVIL STATE OF CALIFORNIA

AUERBACH ENGINEERING CORP.
CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL PLANNING
P.O. BOX 5399 • 645 W LAKE BLVD. • TAHOE CITY • CALIFORNIA 96145
VOICE (530) 581-1116 • FAX (530) 581-3162
WWW.AUERBACHENGINEERING.COM

TCPUD
DOLLAR PT. / EDGEWATER DR. SEWER REPAIR
PLAN AND PROFILE
TAHOE CITY PLACER COUNTY CALIFORNIA

0 1
BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER:	22.77E
SURVEY BY:	AEC
SURVEY DATE:	2/2019
DESIGN BY:	NC
DRAFTING BY:	AH
CHECKED BY:	NC
DATE:	MAY 1, 2019

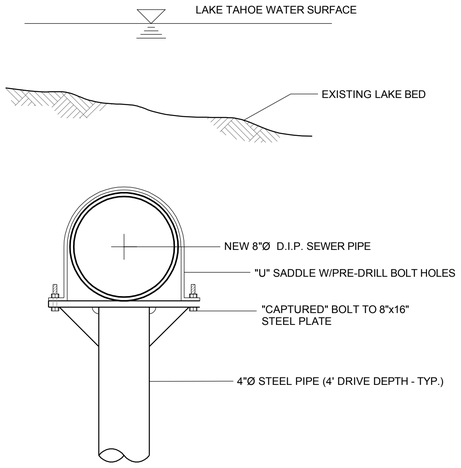
SCALES: AS SHOWN HORIZONTAL, AS SHOWN VERTICAL

C1

SHEET: 1 of 2

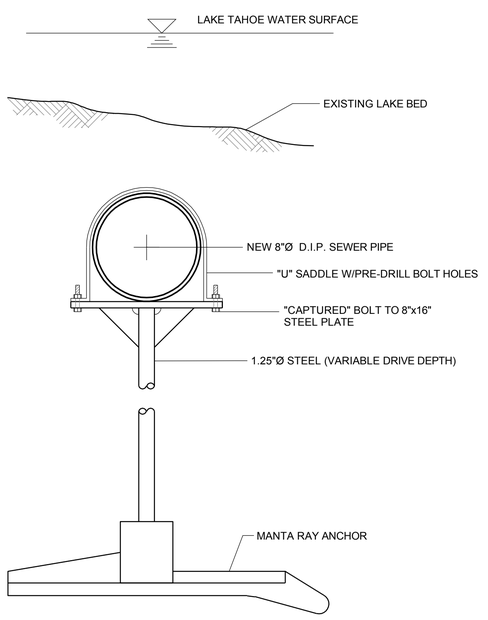
J:\22.77E\Dwg\Final Sheets\22.77E_C1.dwg

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A



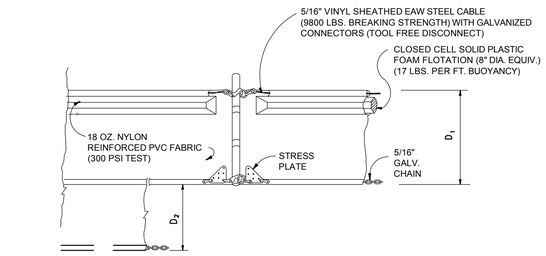
1 PIPE ANCHOR

N.T.S.

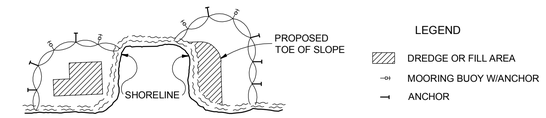


2 MANTA RAY ANCHOR

N.T.S.



D1 =5' STD. (SINGLE PANEL FOR DEPTHS 5' OR LESS).
D2 =5' STD. (ADDITIONAL PANEL FOR DEPTHS GREATER THAN 5').



TYPICAL INSTALLATION LAYOUT

NOTES:
1. TURBIDITY BARRIER SHOWN IS A MINIMUM. TURBIDITY BARRIER SHALL BE DESIGNED AND INSTALLED TO WITHSTAND ANTICIPATED WIND, CURRENT AND STORMWATER RUNOFF THAT MIGHT OCCUR.
2. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS DETAILING THE LAYOUT, ANCHORING AND CURTAIN SPECIFICATIONS FOR REVIEW 3 WEEKS PRIOR TO CONSTRUCTION.
3. TURBIDITY BARRIER SHALL NOT INTERFERE WITH ADJACENT US COAST GUARD OPERATIONS.
4. TURBIDITY BARRIER SHALL EXTEND THE FULL DEPTH AND BE ANCHORED TO THE LAKE BOTTOM EITHER WITH A WEIGHTED HEM DESIGN ON THE CURTAIN OR AT CLOSE ENOUGH INTERVALS TO MAINTAIN A SILT SEAL ON THE LAKE BOTTOM.
5. TURBIDITY BARRIER SHALL REMAIN IN PLACE UNTIL THE THREAT OF SEDIMENT AND NUTRIENT TRANSPORT CEASES TO EXIST AND WHEN THE PROJECT IS COMPLETE.

3 TURBIDITY CURTAIN

N.T.S.

NOTES:
1. PROVIDE TEMPORARY EROSION CONTROL MEASURES AROUND THE PERIMETER OF THE STAGING AREA.
2. ALL FUEL STORED ON SITE SHALL BE IN REQUIRE FUEL CONTAINMENT SYSTEMS.

4 BYPASS ALIGNMENT AND STAGING AREA

N.T.S.

5 NOT USED

N.T.S.

REVISIONS

REV	DATE	BY

RECORD DRAWING

DATE ENGINEER INITIAL

REGISTERED PROFESSIONAL ENGINEER WALTER R. AUERBACH No. C34303 Exp. 9/30/19 CIVIL STATE OF CALIFORNIA

AUERBACH ENGINEERING CORP.
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TCPUD
DOLLAR PT. / EDGEWATER DR. SEWER REPAIR
CIVIL DETAILS
TAHOE CITY PLACER COUNTY CALIFORNIA

0 1
BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER:	22.77E
SURVEY BY:	AEC
SURVEY DATE:	2/2019
DESIGN BY:	NC
DRAFTING BY:	AH
CHECKED BY:	NC
DATE:	MAY 1, 2019

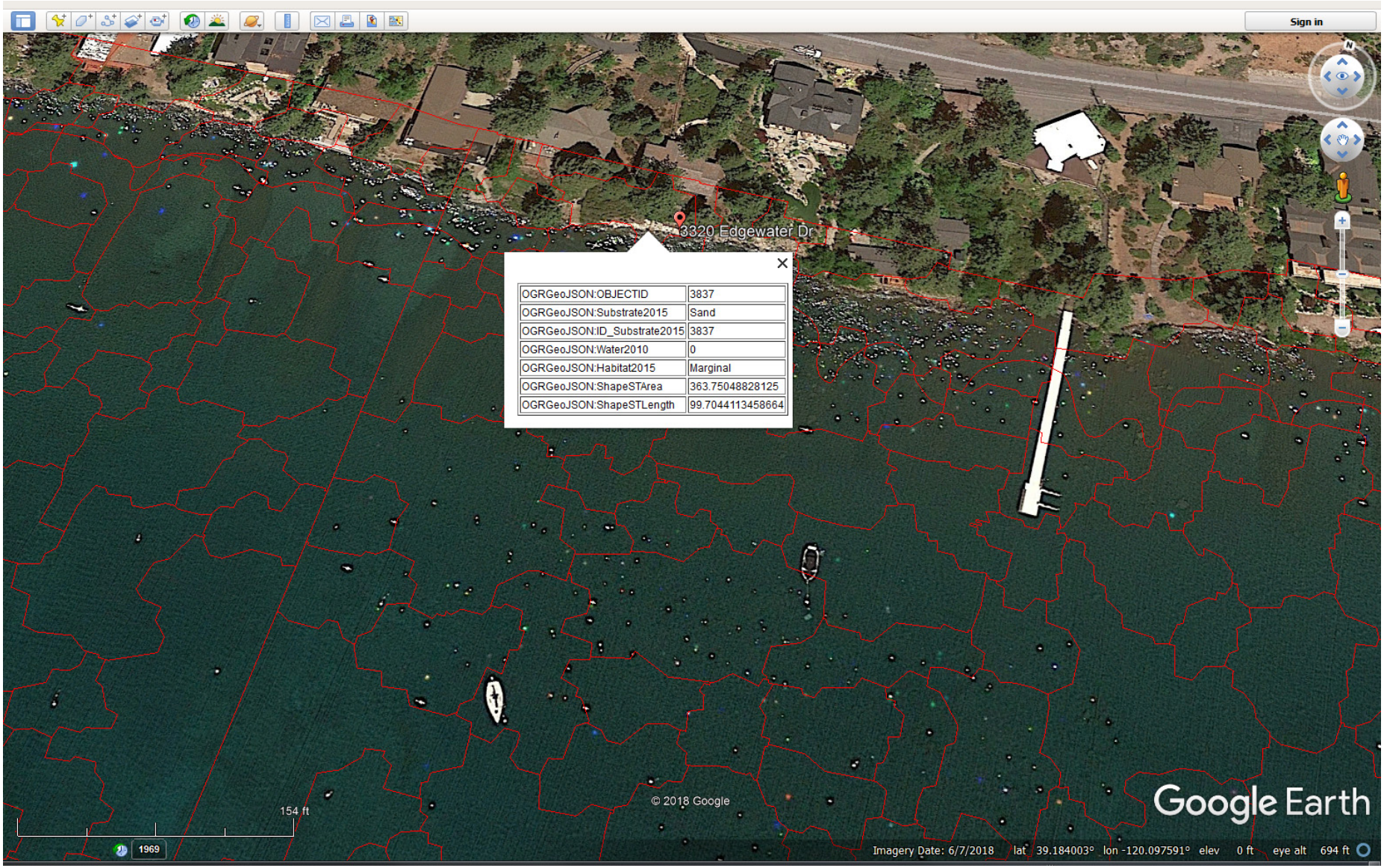
SCALES:
AS SHOWN HORIZONTAL
N/A VERTICAL

CD1
SHEET: 2 of 2

J:\22.77E\Dwg\Final Sheets\22.77E_CD1.dwg

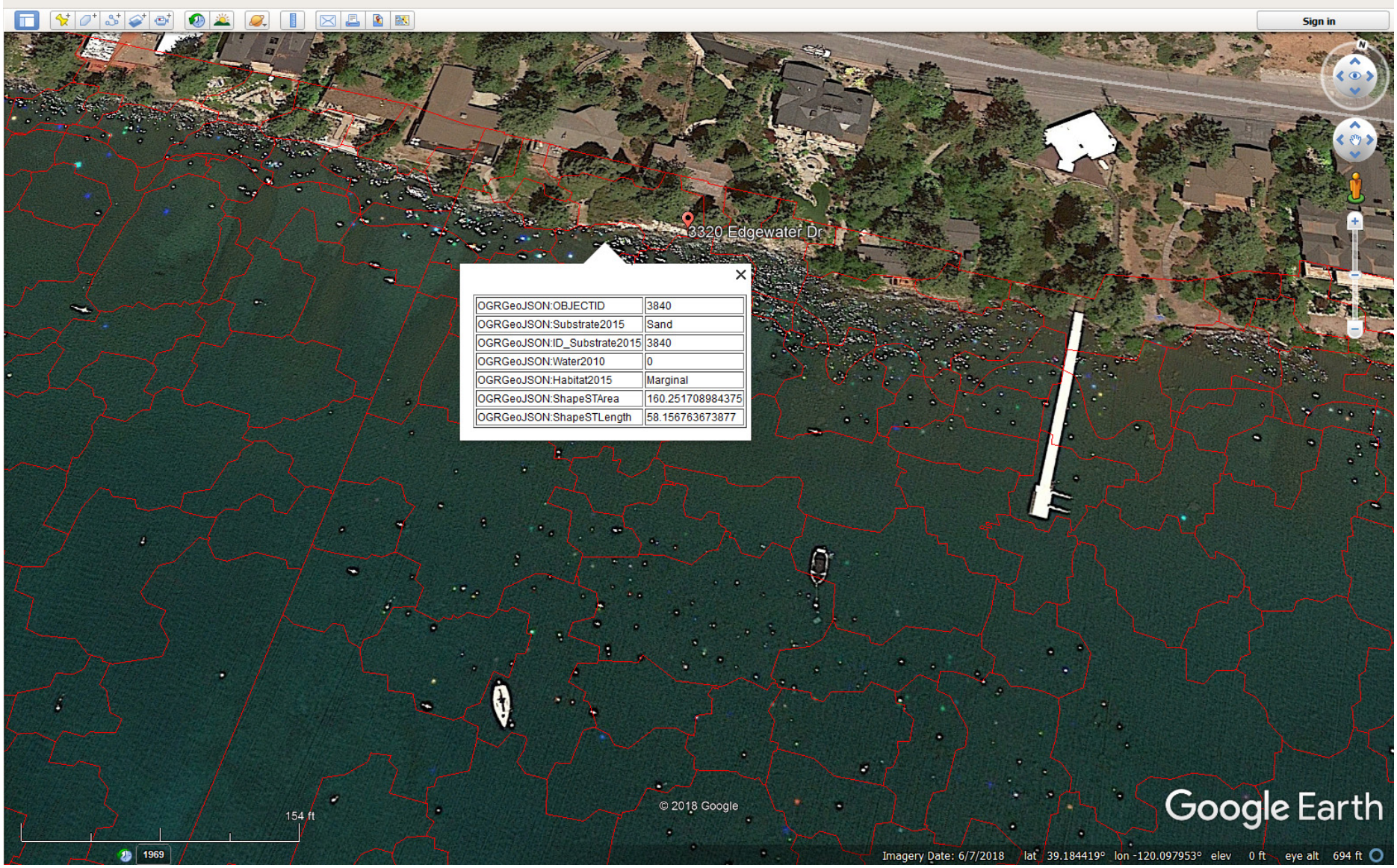
LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

TRPA Fish Habitat:
OBJECTID 3837



2019 TCPUD - Dollar Pt./Edgewater Dr. Sewer Repair

TRPA Fish Habitat:
OBJECTID 3840



2019 TCPUD - Dollar Pt./Edgewater Dr. Sewer Repair

TAHOE REGIONAL PLANNING AGENCY

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Stateline,NV

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Fax: (775) 588-4527

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PO Box 5310
Stateline, NV 89449-5310

www.trpa.org
trpa@trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday

New Applications Until 3:00 pm

Print Form

INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

I. Assessor's Parcel Number (APN)/Project Location 093-094-041, and 093-094-042

Project Name 2019 TCPUD Dollar Point/Edgewater Drive Sewer Repair

County/City Placer

Brief Description of Project:

A gravity sewer main became dislodged in Lake Tahoe on January 5, 2019. This was reported to TCPUD on January 23. On January 30, TCPUD began marine construction operations in order to replace 78 feet of 8-inch sewer pipe and install ten (10) 4-inch steel anchor support piles to harness the pipe. This was completed over time as weather permitted. Work was completed on March 15, 2019. During that time, a sewer bypass system was in operation 24/7 on Edgewater Drive. Construction took place via aquatic equipment which included a LARK, barge, and excavator (positioned on barge). Turbidity curtains were installed during times of construction. Taylor Currier from TRPA provided an inspection of the site on March 14, 2019 (no. CODE2019 -0009), which resulted in a pass.

This application is for the work that was completed as stated above; for work to replace boulders that were placed to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair; and also for work proposed for Fall 2019.

The work to replace boulders will require acquatic equipment, with includes a LARK, barge, and excavator (positioned on barge). The boulders will be replaced to their previous location utilizing this equipment with the help of scuba divers with turbidity curtains in place.

The TCPUD would like to complete similar work for the adjoining 60 feet of sewer main west (downstream) of the previous emergency work. This is an area that is similar in nature to the where previous work occurred in that it lies within a sandy unprotected zone. Much of the sewer main is underlain by volcaniclastic rocks of Skylandia consisting of welded basaltic ash and cinders which provide high uplift resistance for the piles, assuming the piles can be driven into the ash material (NV5 Geotechnical Field Report No. 210). When most of the sewer main was installed in the late 1960s, the volcaniclastic rocks had to be trenched through, but it provided a natural barrier to wave action. The area of proposed work is where the sewer main is underlain by the volcaniclastic rock, but covered in sand where it is more exposed and susceptible to damage from high water and wave action.

The proposed work will utilize the same construction methodology and aquatic equipment access. The work is to commence late September after spawning season and when there is a 5-day calm forecast. Turbidity curtains will be installed from the edge of water to surround the construction area.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

b. Deterioration of ambient (existing) air quality?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

c. The creation of objectionable odors?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

☐ Yes ☒ No
☐ No, With Mitigation ☐ Data Insufficient

e. Increased use of diesel fuel?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Alterations to the course or flow of 100-yearflood waters?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Change in the amount of surface water in any water body?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

The turbidity curtains and barge placement have/will alleviate substantial disturbance of surface waters during dredging and anchor pile placement.	☐ Yes	☐ No	
	☒ No, With Mitigation	☐ Data Insufficient	

f. Alteration of the direction or rate of flow of ground water?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

4. Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

e. Reduction of the numbers of any unique, rare or endangered species of plants?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

g. Removal of any native live, dead or dying trees30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

☐ Yes ☒ No ☐ No, With Mitigation ☐ Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Deterioration of existing fish or wildlife habitat quantity or quality?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Exposure of people to severe noise levels?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Expand or intensify an existing non-conforming use?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

11. Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

12. Housing

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

Number of Existing Dwelling Units: 0

Number of Proposed Dwelling Units: 0

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. Alterations to waterborne, rail or air traffic?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Police protection?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Schools?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Parks or other recreational facilities?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. Maintenance of public facilities, including roads?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

f. Other governmental services?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Communication systems?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. Storm water drainage?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

f. Solid waste and disposal?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Exposure of people to potential health hazards?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Be visible from any public recreation area or TRPA designated bicycle trail?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Create additional recreation capacity?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

☐ Yes ☒ No

☐ No, With Mitigation ☐ Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

	☐ Yes	☒ No	
	☐ No, With Mitigation	☐ Data Insufficient	

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best ofmy ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: **(Original signature required.)**

_____ At Placer Date: 5/1/2019

Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Determination:

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

☐ Yes ☐ No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

☐ Yes ☐ No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

☐ Yes ☐ No

_____ Date: _____

Signature of Evaluator

Title of Evaluator

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any development right transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (*) notes threshold subjects.

a) Land*
Does the proposal result in any additional land coverage?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

b) Air Quality*
Does the proposal result in any additional emission?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

c) Water*
Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

d) Does the proposal result in an increase in the volume of discharge?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

e) Noise*
Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

f) Aesthetics

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

☐ Yes ☐ No

☐ No, With Mitigation ☐ Data Insufficient

g) Recreation*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

☐ Yes ☐ No

☐ No, With Mitigation ☐ Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

☐ Yes ☐ No

☐ No, With Mitigation ☐ Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

☐ Yes ☐ No

☐ No, With Mitigation ☐ Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

☐ Yes ☐ No

☐ No, With Mitigation ☐ Data Insufficient

k) Transportation
Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

m) Utilities
Does the proposal result in additional water use?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

o) Historical
Does the proposal result in the modification or elimination of a historic structure or site?

☐ Yes ☐ No
☐ No, With Mitigation ☐ Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: **(Original signature required.)**

_____ At_____Date:_____

Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

Required Findings

Tahoe City Public Utility District
2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair
APNs 093-094-041, and 042

The required findings below are in bold and follow TRPA Applicable findings with TRPA Code of Ordinance.

Chapter 4: REQUIRED FINDINGS

4.4.1. Findings Necessary to Approve Any Project
To approve any project TRPA shall find, in accordance with Sections 4.2 and 4.3, that:
A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan

A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;
The project is located within the Tahoe Basin Area Plan within the Dollar Point Subdistrict. Pipelines and transmission lines are allowed uses that are considered under the provisions for a Conditional Use Permit.

Chapter 80: Review of Projects in the Shorezone & Lakezone

Chapter 80.3. REQUIRED FINDINGS

80.3.1. Findings Required for Lakezone, Shorezone, and Lagoon Projects.
No project or activity within the lakezone, shorezone, or lagoon of lakes in the Region, shall be approved unless TRPA makes all the applicable findings listed below.

80.3.2. Findings for All Projects.
A. General Environmental Findings. TRPA must analyze and make the required environmental findings pursuant to Chapter 3, Environmental Documentation. In addition, such environmental findings must demonstrate that the project will not adversely impact:
1. Littoral processes;
The project includes an emergency repair of an existing sewer line within Lake Tahoe in March 2019. A trench was dredged to replace pipe that became dislodged due to high lake water, unprotected exposure, and severe wave action. The project also included securing ten (10) steel pile anchors to the pipe. That project included a temporary disturbance of approximately 9 cubic yards (CY) of lake bottom. The same material was used to backfill the pipe trench. In addition, approximately 10 large boulders were moved to dissipate ongoing wave energy around the manhole (MH 1006). As part of this proposed project, divers will replace the boulders where they originated; replace approximately 60 feet of 8-inch diameter ductile iron pipe (DIP) adjacent to the sewer pipe replaced in the emergency repair; secure seven (7) steel pile anchors; and secure three (3) manta ray anchors to the pipe to prevent the possibility of another breakage.

The replacement and proposed replacement of the existing pipe will have no significant impact on the transport of materials within the littoral zone. The primary transport mechanism that moves materials within the littoral zone, wave activity driven by predominant southwesterly winds, results in a dominant offshore-onshore movement of materials, primarily sand and silt at this location (Environmental Assessment Associated with the Replacement of the Lake Forest Boat Ramp and Maintenance Dredging, 8/2/2013, Stanford L. Loeb, Ph.D, page 27 (TRPA File No. ERSP2013-0845)).

2. Fish spawning;
The area is similar in nature to the where previous work occurred in that it lies within a sandy unprotected zone in the foreshore and nearshore (between elevations 6,220 – 6,224 feet). The Geotechnical Report completed by NV5 as part of the emergency repair project recognized beach deposits consisting of very dense fine to course grained sand west of MH 1006. This is further substantiated by viewing the TRPA Fish Habitat (OGRGeoJSON: OBJECTID #3837, and #3840), revealing a sand substrate with marginal habitat.

Repairs are to commence late September after spawning season and when there is a 5-7-day calm forecast. Turbidity curtains will be installed from the edge of water to surround the construction area. Ambient water quality thresholds and standards applicable in the littoral zone shall be applied and enforced at a reasonable distance from the construction activity.

3. Backshore Stability;
As stated above, under section 2 Fish spawning, the project is located between elevations 6,220 – 6,224 feet. Construction methods for the emergency repair project utilized aquatic equipment which included a LARK, barge, and excavator (positioned on barge). No construction staging occurred in the backshore. The project proposes to use the same construction methodology as the prior project.

4. On-shore wildlife habitat, including wildfowl nesting areas;
This project proposes work to be completed in Lake Tahoe. No disturbance to on-shore wildlife including wildfowl nesting areas is anticipated.

80.3.2.C TRPA must find that the project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.
The littoral parcels associated with the project area lie within the Dollar Point Subdistrict of the Placer County Tahoe Basin Area Plan. Pipelines and Power Transmission are

permissible uses requiring a Conditional Use Permit (Placer County Tahoe Basin Area Plan Implementing Regulations, January 2017, page 37).

80.3.2.E TRPA must find that measures will be taken to prevent spill or discharges of hazardous materials.

Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

80.3.2.F Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

For the prior emergency repair project, the contractor mobilized to the site via aquatic equipment, as stated above. Workers/inspectors accessed the site via an established foot path and drainage easement from Edgewater Drive. The project proposes to use the same construction methodology as the prior project.

80.3.2.G TRPA must find that the project will not adversely impact navigation or create a threat to public safety pursuant to the determination of agencies with jurisdiction over the navigable waters in the Basin.

The existing sewer pipe is within a sewer easement. Both the previously replaced pipe and the proposed pipe replacement are in-kind replacements. There is no change in location or capacity which would create an adverse impact to navigation.

<u>80.3.3 Additional Findings for Special Use Projects</u>

80.3.3.A The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.

The projects are maintenance and repair of an existing structure, as well as an allowed use.

80.3.3.B The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.

The project proposes to prevent the possibility of a future sewer pipe dislodgement. The proposed manta ray anchors are pre-fabricated with ½ inch steel plates welded to the top. A hold-down strap bolts to the plate and the pile to hold the pipe. The anchors will provide high uplift resistance when driven into the rock mass consisting of volcaniclastic ash deposits (NV5 Geotechnical Field Report, 2/7/19).

80.3.3.C The project, and the related use, will not change the character or the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

The projects are maintenance and repair of an existing structure, as well as an allowed use.

80.3.5 Additional Findings for Public Service facilities

80.3.4.A The project is necessary for public health, safety, or environmental protection.

The project is necessary to avoid a future dislodgement of the sewer pipe.

80.3.4.B There is no reasonable alternative that avoids or reduces the amount of land coverage or disturbance in the backshore.

Relocation of the sewer pipe would require removal of the existing pipe, which would require an increase in disturbance in the foreshore, nearshore, and backshore due to construction activities related to dredging and trenching for removal of approximately 3,320 linear feet of sewer pipe and 13 manholes. The proposed project is currently the only reasonable alternative for maintenance of the existing sewer line.

Chapter 83: Shorezone Tolerance Districts and Development Standards

83.9 Shorezone Tolerance Districts 4 & 5 – Development Standards

83.8.2.B Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss or erosion.

Workers/inspectors will access the site via an established foot path from Edgewater Drive.

Chapter 84: Development Standards Lakeward of High Water in the Shorezone and Lakezone

84.9 Filling & Dredging

84.9.2.A There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

Excavated/dredged materials were placed adjacent and parallel to the trench between the trench and shoreline during the emergency repair project. The same construction methodology will occur as part of the proposed sewer line replacement project. No additional or outside fill is required for the projects.

84.9.2.B New dredging shall be permitted in association with the following facilities only where previous approved uses exist, provided all environmental impacts shall be mitigated:

2. Essential public health and safety facility; and

The projects are maintenance and repair of an existing essential public health and safety facility.

84.9.2.C Maintenance dredging shall be allowed according to the following provisions:

1. The maintenance dredging is located in a facility that has been previously dredged;
2. The applicant demonstrates that dredging is necessary to maintain an existing use; and
3. The maintenance dredging is limited to the previously dredged footprint.

Dredging of the existing sewer line is required to provide maintenance and repair to maintain an existing use and is limited to the previously dredged footprint.

Chapter 85: Development Standards in the Backshore

85.5.2 Public Service

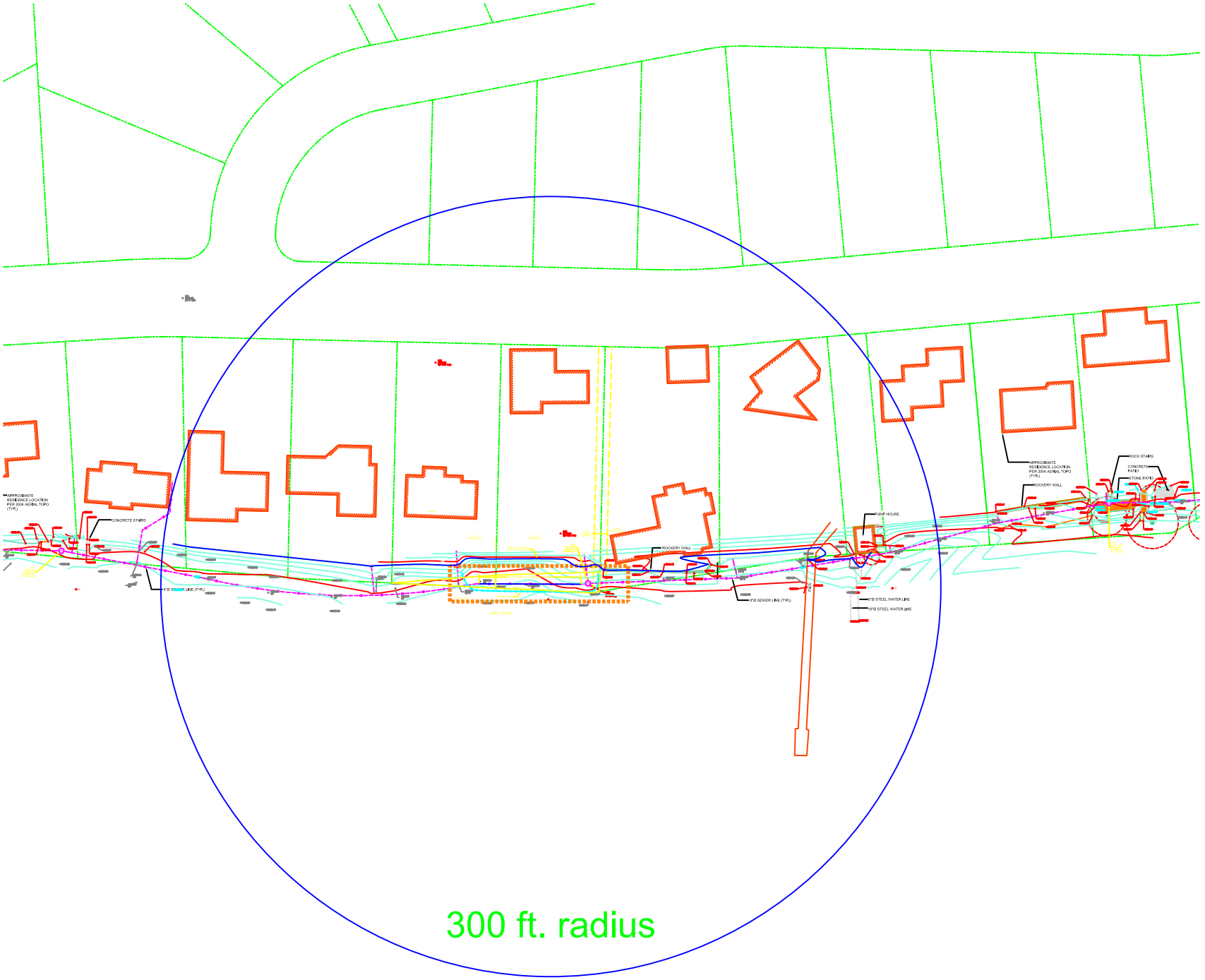
Land coverage and land disturbance may be permitted in the backshore for public service facilities is TRPA finds that:

A. The project is necessary for public health, safety, or environmental protection;

B. There is no reasonable alternative which avoids or reduces the amount of land coverage or disturbance in the backshore; and

C. The impacts of coverage and disturbance are mitigated in the manner prescribed in subsection 85.5.1.E.

Construction methods for the emergency repair project utilized aquatic equipment which included a LARK, barge, and excavator (positioned on barge). No construction staging occurred in the backshore. The project proposes to use the same construction methodology as the prior project. Workers/inspectors will access the site via an established foot path from Edgewater Drive. Therefore, no permanent impacts or disturbance to the backshore are anticipated.



2019 TCPUD - Dollar Pt./Edgewater Dr. Sewer Repair

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

Street Addı	Street NAme	APN	First	Last (Or Second)				
3305	EDGEWATER DR	093-093-001	GLASCO	SINGLETON	PO BOX 890	LOS GATOS	CA	95031-0890
3315	EDGEWATER DR	093-093-002	STEPHEN	PADDOCK	21 REDCOACH LANE	ORINDA	CA	94563
3325	EDGEWATER DR	093-093-003		AM WALLACE & ASSOCIATES LLC	135 ESTATES DRIVE	DANVILLE	CA	94526
3335	EDGEWATER DR	093-093-004	CARLO MORMORUN	ELIZABETH GOFEL	520 CAPITAL MALL #380	SACRAMENTO	CA	95814
3355	EDGEWATER DR	093-093-005	WALTER	YOUNGMAN JR.	24 CRAGMONT COURT	WALNUT CREEK	CA	94598
3290	EDGEWATER DR	093-094-007	LAURENCE & KIM	AKIN	32 HESKETH DRIVE	MENLO PARK	CA	94025
3300	EDGEWATER DR	093-094-008	JOHN	WARD	122 WOODLAND ROAD	KENTFIELD	CA	94904
3310	EDGEWATER DR	093-094-009	ROBERT	ERNST	4500 VIEJO RD	CARMEL	CA	93923-9437
3338	EDGEWATER DR	093-094-013	LATTA 1990 FAMILY	KURT LATTA	1270 COUNTRY CLUBE DR	LOS ALTOS	CA	94024
		093-094-014		TCPUD	PO BOX 5249	TAHOE CITY	CA	96145
3334	EDGEWATER DR	093-094-038	MARC & DEBORAH	METCALF	PO BOX 6855	TAHOE CITY	CA	96145-6588
3340	EDGEWATER DR	093-094-039	LAURA & THOMAS	ROSCH	255 E FOSTER PLACE	LAKE FOREST	IL	60045
3328	EDGEWATER DR	093-094-041	JOSHUA FLOUM	MARGARET O'DONNELL	323 SEYMOUR LANE	MILL VALLEY	CA	94941
3320	EDGEWATER DR	093-094-042	PAUL NP	FULTON	5739 149TH AVENUE	BELLEVUE	WA	98006

NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

PROPERTY OWNER		
Name: Tahoe City Public Utility District	Phone Number: 530-583-3796	
Mailing Address: 221 Fairway Drive (or P.O. Box 5249)		
City: Tahoe City	State: Ca	ZIP Code: 96145
Contact Person: Tony Laliotis / Jon LeRoy	E-Mail: tlaliotis@tcpud.org / jleroy@tcpud.org	
BILLING ADDRESS		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any): 3328 Edgewater Drive		
Nearest Cross Street(s): Observation Driver and/or Dardanelles Ave.		
County: Placer County	Total size of project site (acres): 120 SF	
Photos Attached: ☒ Yes ☐ No		

Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. 39 Min. 11 Sec. 06

W. Longitude Deg. 120 Min. 05 Sec. 56

DD: N. Latitude _____

W. Longitude _____

Attach a map of at least 1:24000 (1" = 2000') detail of the impact site(s).

Indicate the map format used (listed in order of preference):

☐ **GIS shapefiles**. The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.

☐ **Google KML files** saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project areas and extent/type of aquatic resources

impacted.*

☐ Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.

*** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

DISCHARGE INFORMATION	
Project Start Date: Jan. 30, 2019	Project Completion Date: Mar. 19, 2019
Names of Receiving Water(s):	
Lake Tahoe	
Receiving Water Types:	
☒Lake/Reservoir ☐Ocean/Estuary/Bay ☐River/Streambed	☐Riparian Area ☐Vernal Pool ☐Wetland
Regulatory Agencies with Jurisdiction Over Project and Associated Permits/Agreements:	
ACOE, USEPA, USFWS, NMFS, CDFW, SHPO, Ca. State WRCB, RWQCB-Lahontan, TRPA, Placer Co. Envr. Health	
Emergency Project Description: (e.g. discharge of riprap; discharge of fill; excavation for a utility line)	
See attached Project Description	
Purpose of the Entire Project Activity: (e.g. stream-bank erosion control; maintain, repair, or restore damaged property)	
Emergency repair to public owned sewer facility necessary to maintain service essential to public heath and safety.	
Erosion and Sediment Control Measures Implemented:	
All construction activity performed and contained within turbidity curtain, foot traffic primarily on snow covered land.	
Pollution Prevention Measures Implemented:	
Redundant sewer by-pass system installed and operated, all construction work by barge and within turbidity curtain.	

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the actual discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	**Temporary Impact**			**Permanent Impact**		
	Acres	*Cubic Yards*	*Linear Feet*	*Acres*	*Cubic Yards*	*Linear Feet*
Lake/Reservoir	160 SF	9 CY	80 LF			
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

COMPENSATORY MITIGATION	
Required: ☐ Yes ☒ No	Photos Attached: ☐Yes ☐ No
Compensatory Mitigation Description (include aquatic resource type and acres and linear feet):	

MITIGATION SITE LOCATION
Street (include address, if any):
Nearest Cross Street(s):
County:

Latitude/Longitude (Center of Mitigation Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. _____ Min. _____ Sec. _____

W. Longitude Deg. _____ Min. _____ Sec. _____

DD: N. Latitude _____

W. Longitude _____

Attach a map of at least 1:24000 (1" = 2000') detail of the mitigation site.

Indicate the map format used (listed in order of preference):

☐ **GIS shapefiles**. The shapefiles must depict the boundaries of all project(s) and extent of aquatic resources. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.

☐ **Google KML files** saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project(s) and extent/type of aquatic resources.*

☐ Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project(s) and extent/type of aquatic resources.

*** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

CERTIFICATION	
"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 8 will be complied with."	
Signature of Discharger	Title TCPUD - Director of Utilities
Printed or Typed Name Tony Laliotis	Date 3-25-19

NOTICE OF COMPLETION (NOC) SUMMARY FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

WATER QUALITY ORDER No. 2018-0025-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION and ORDER FOR THE TAHOE CITY PUBLIC UTILITY DISTRICT EMERGENCY SEWER REPAIR PROJECT, PLACER COUNTY (WDID 6A311902001)

March 19, 2019

Description of Emergency:

Please see the attached "Technical Report for Sewer Spill – 3328 Edgewater Drive, Tahoe City Ca" by the Tahoe City Public Utility District, dated March 14, 2019 (Attachment A).

Specific Location:

The location of the failure is along the shore line of Dollar Point community in Tahoe City, Ca. beginning near the residence located at 3328 Edgewater Drive APN 093-094-041 and extending west to the residence at 3320 Edgewater Drive APN:093-094-042 (Attachment B).

Coordinates for the approximate location per Google Earth are 39°11'06" North and 120°05'56" West.

See Attachment F for As-Built Plan/Profile.

Permit Applications:

Upon discovery (January 30th), TCPUD staff immediately notified CAL OES and the Lahontan Regional Water Quality Control Board. The following morning, TCPUD notified the US Army Corps of Engineers, Tahoe Regional Planning Agency, CA State Water Board, U.S. Fish and Wildlife Service, Ca. Dept. of Fish and Wildlife, Nevada FWS, National Marine and Fisheries Service, and the USEPA (via ACOE). The following list the submittal dates of the applications requested:

1. ACOE (RPG 8) – Request for authorization to proceed with Emergency Repair of Sanitary Sewer Pipe – January 31, 2019
2. ACOE Form 4345 – February 5, 2019
3. State Water Resources Control Board (Lahontan) NOI – February 5, 2019
4. CDFW Notification of Emergency Work – February 6, 2019
5. Tahoe Regional Planning Agency Petition for Expedited Review – January 31, 2019.

Construction and Repair Summary:

Concurrent to conversations with ACOE, Lahontan, CDFW, and TRPA, the TCPUD Board of Directors passed TCPUD Resolution *No. 19-04 Declaring the Dollar Edgewater Sewer Main Failure and Emergency and Dispensing with Competitive Bidding for Repairs* at a special Board of Directors meeting on February 1, 2019. The TCPUD then contracted Gensberg and Sons Inc. of Tahoe City (Contractor) to provide construction services for the pipe repair.

Wednesday, February 6th. The Contractor mobilized to the site via aquatic equipment which included a LARK, barge, and excavator (positioned on barge) and installed the turbidity curtain (Fig. 1)

Fig. 1 - Initial mobilization and installation of turbidity curtain.

Thursday, February 7th. The contractor excavated/dredged along the existing alignment of the dislodge sewer pipe to re-establish the trench. Materials from the excavation were placed parallel and adjacent to the trench between the shoreline and trench (see Attachment E for turbidity logs). The Contractor and TCPUD crews also installed temporary manhole riser rings onto the adjacent submerged manhole lid (Sta: 17+65) to provide additional protection to the sewer by-pass pumping and workers safety (Fig. 2-5).

Fig. 2 - Placing temporary manhole risers.

Fig. 3 – Adjusting manhole risers (Feb. 8th).

Fig. 4 – Fastening risers in place (Feb. 12th).

Fig. 5 – Complete temp. riser installation (Feb. 12th).

Thursday, February 7th cont. The Contractor initiated driving the pipe support pilings (Fig. 6). During the construction activity TCPUD engineering and geotechnical consultant NV5 visited the site to confirm soils properties (Attachment C). Based on conversations with consultant, pipe support piles driven to a depth of 4-ft are estimated to provide adequate uplift resistance to the repair design.

Fig. 6 – Initial pile driving for pipe anchor/supports.

Friday, February 8th. Strong winds and wave action preceding a severe weather event necessitated demobilization of the Contractors' equipment. TCPUD staff contacted the Lahontan Regional Water Quality Control Board and TRPA to discuss demobilization and a decision was made to remove the turbidity curtain along with the equipment. A summary of this decision and Report Type-4 for the Violation of Compliance with Water Quality Standards Report dated February 13, 2019 is included in the attachments (Attachment D).

February 9th thru February 22nd. No remobilization of construction equipment or repair attempts other than fortifying the manhole risers and by-pass pumping system (Fig. 4 & 5 above) was made during this period due to prolonged weather events. TCPUD operated and maintained sewer by-pass pumping 24/7. On **Wednesday, February 20th**, during sewage by-pass operation, a plug was purposely relieved to allow liquid and solids to be removed from a surcharged section of pipe. A submersible pump as well as suction from the TCPUD's Vactor were simultaneously running to be prepared for the anticipated slug of flow. When the solids came through, a significant amount of liquid overwhelmed both pumping systems causing the manhole to fill and briefly overtop and discharge. Spill quantity was estimated to be 1 gallon or less. The active pumping operations mitigated the active spill within seconds. The SSO event (ID 856329) was filed on the CIWQS on March 5, 2019.

Saturday, February 23rd. In an effort to improve protections for worker safety and by-pass system operations from continuing storm activity and rising lake levels, the TCPUD directed the Contractor to install approximately 20-ft of sheet piling around the sewer manhole (Sta:17+65). The TCPUD notified Lahontan and TRPA of this activity on Thursday, February 21st, hoping to mobilize the next day, however, weather prevented mobilization until Saturday, February 23rd. Installation of the sheet piles was completed at approximately 2:00 pm on that Saturday (Fig. 7).

Fig. 7 – Sheet piling installed near sewer manhole Sta: 17+65.

Sunday, February 24th to Sunday March 3rd. No remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events. The TCPUD operated and maintained sewer by-pass pumping 24/7 and contracted with Munson Pump Systems

to take over monitoring of the by-pass system to relieve TCPUD crews. The pumping contractor began observation, maintenance, and operations on Wednesday, February 27th. No incidence of sewer discharge occurred.

Monday, March 4th. Severe wave action from a prolonged storm event damaged bent and loosened the installed sheet piling. The District instructed the contractor to remobilize and remove all sheet piling previously installed as it no longer provided any additional protection. During the removal, of the sheet piling, the contractor was further instructed to rearrange the existing boulders adjacent to the manhole and add additional temporary boulders at this location to dissipate the ongoing wave energy.

Tuesday, March 5th to Tuesday March 12th. No remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events. The TCPUD and pumping contractor maintained by-pass operations. No incidence of sewer discharge occurred.

Wednesday, March 13th. Reasonably calm weather was predictable for at least 5 consecutive days, and the Contractor was instructed to remobilize, re-install the turbidity curtain, and commence repairs. By the end of day, the contractor had re-excavated the trench line, and partially driven all 10 pipe anchor/support piers. Excavated material was again placed adjacent and parallel to the trench between the trench and shoreline (Fig. 8 & 9).

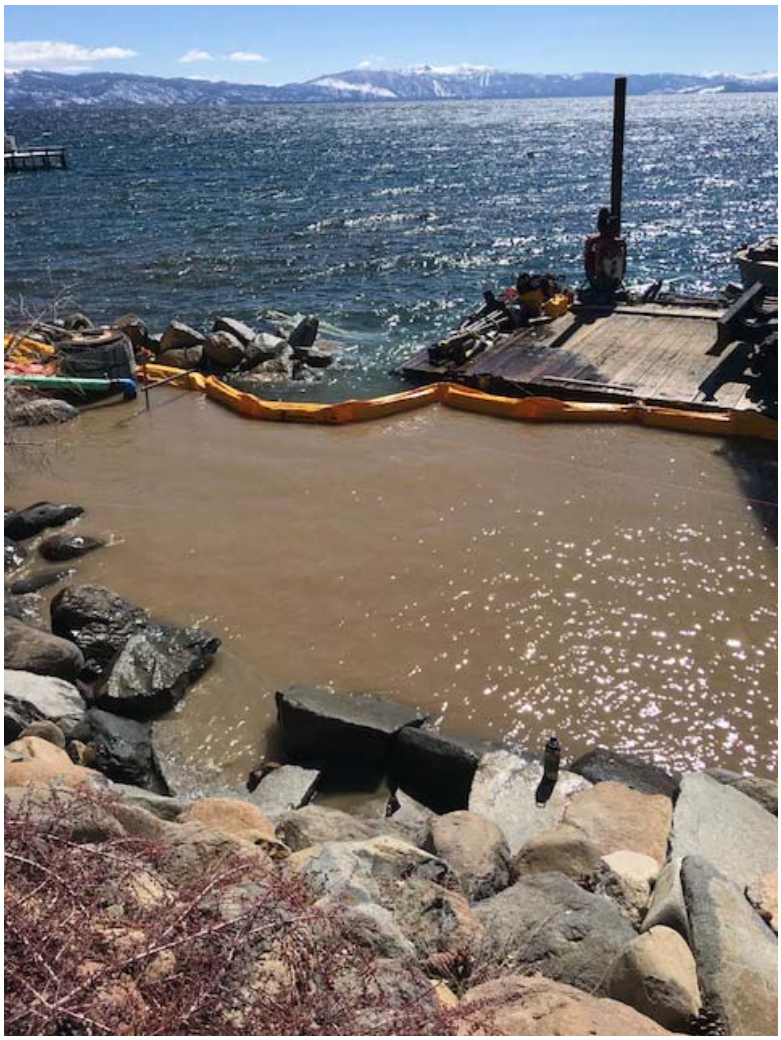
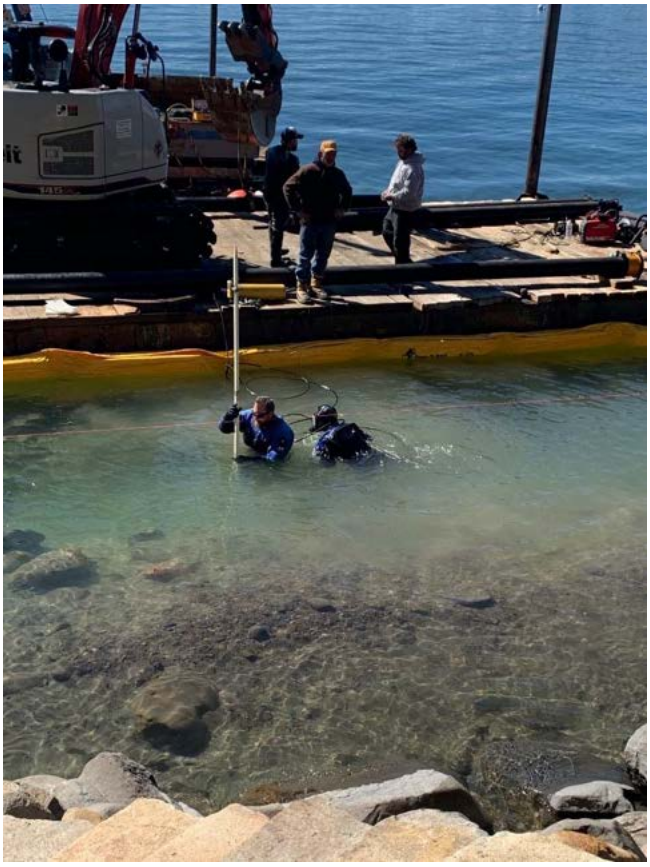


Fig. 8 – during re-excavation of trench.

Fig. 9 – Trench excavated and anchor/support piles partially driven (photo taken Mar. 14, 2019 am)

Thursday, March 14th. The anchor/support piles were driven to final grade and prepared for pipe placement. Additionally, the flanged sections of 8-inch ductile iron pipe were pre-assembled on the barge. (Fig. 10 & 11)



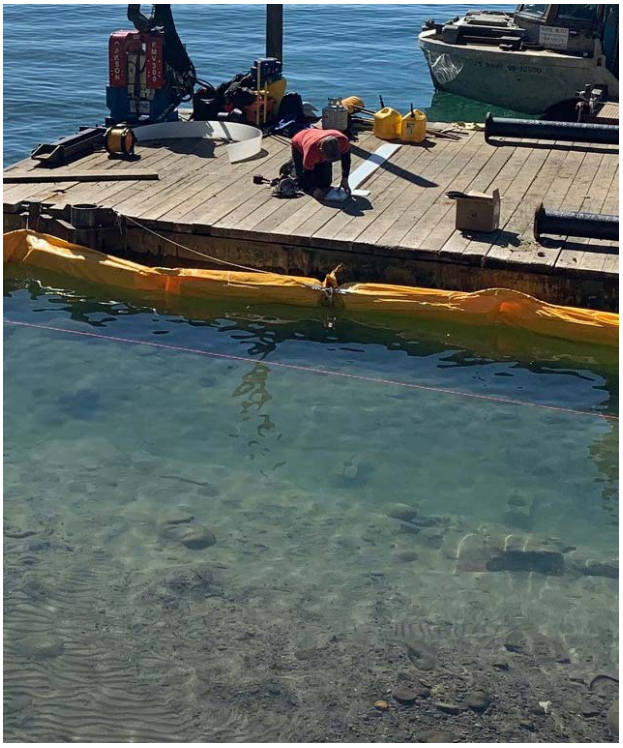


Fig. 10 (above) verifying anchor/support grades & Fig. 11 (below) pile driving completed.

Friday, March 15th. The replacement pipe was maneuvered into position, connected and sealed, and attached to the anchor/support piles. Additionally, TCPUD crews cleaned the by-passed section of sewer main of all obstructions and recommissioned the pipe. By-pass operations were terminated at 5:30 pm. (Fig. 12 & 13).

Fig. 12 – D.I.P. installation.

Fig. 13 – Completed pipe installation.

Saturday, March 16th. The Contractor hand sorted large rocks from the excavated material that was placed adjacent to the trench alignment and pulled/dragged the remaining material to backfilled the pipe trench. The work was completed by mid-day Saturday. (See Attachment E for turbidity logs during construction activity).

Sunday, March 17th and Monday, March 18th. TCPUD staff monitored the turbidity curtain. No discharge or issues were observed and no adjustment required.

Tuesday, March 19th. The Contractor prepared to remove the turbidity curtain. TCPUD notified Lahontan and TRPA that turbidity levels had reached 10% of the background levels and proceeded with removal and demobilization from project site (Fig. 14). (See Attachment F – As-Builts)

Fig. 14 – Removal of turbidity curtain. (March 19th, 10:30 am)

Note: The manhole risers and the temporary boulders will be removed in May 2019. They are left in place to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair.

Attachment A

Technical Report for Sewer Spill

3228 Edgewater Drive, Tahoe City, Ca.

Tahoe City Public Utility District

March 14, 2019

Technical Report for Sewer Spill

3228 Edgewater Drive, Tahoe City, CA

Tahoe City Public Utility District

March 14, 2019

Tahoe City
Public Utility District

Prepared by:

Tony Laliotis

Director of Utilities

1. **Background and Spill Response Activities**

January 23, 2019

On January 23, 2019 at approximately 0920 hours, the Tahoe City PUD received a phone call from the property owner at 3228 Edgewater Drive regarding some sewer pipe in the water that appeared to be cut up and left in the water below his house. A work order was immediately generated, however, it was not followed up on until January 25, 2019. There was a miscommunication between internal staff regarding the location of the pipe and field staff believed the pipe was up on the road. Therefore, based on other priorities staff did not immediately respond. A map of the spill location and general area is included as **Attachment 1.**

January 25, 2019

Dan Lewis, TCPUD Utilities Superintendent arrived on site at approximately 1258 hours on January 25, 2019 and located the reported pipe in the lake and not on land as had been incorrectly communicated. Dan Lewis witnessed asbestos cement pipe in four distinct and fairly intact sections laying out in the water of Lake Tahoe in an area of approximately 10 feet off shore to 50-60 feet off shore. It was assumed that the pipe was left over from construction work from either a possible recent lake front project or from work TCPUD had performed approximately 20 years ago in the spring of 2000. At approximately 1308 hours, Dan Lewis texted a photo of two pipe sections to TCPUD Director of Utilities, Tony Laliotis, who was out of the office that day. Tony Laliotis could not recall with certainty that all pipe sections had been removed when work was performed in the spring of 2000. That work replaced approximately 40' of damaged pipe immediately adjacent to the location of the strewn pipes. Dan was directed to inquire with TCPUD Technical Services department to see if any recent lake shore or lake front development projects involved replacing asbestos cement pipe.

January 30, 2019

On January 30, 2019 Tony Laliotis reviewed some photos of the work done in the spring of the year 2000 and it appears that all of the pipe was removed following that repair. Tony Laliotis notified Dan Lewis of this and directed him to immediately inspect the gravity sewer main below 3228 Edgewater Drive. Manhole Number 1006 (MH1006) was unsealed and unbolted at approximately 1500 hours and appeared to be surcharged to Lake Level indicating the likelihood of an active sanitary sewer overflow. The immediate cause was identified as the dislodging of a section of sewer main (ID 10152) downstream from MH1006.

Tony Laliotis notified Lahontan Regional Water Quality Control Board at approximately 1600 hrs. CAL OES was notified at approximately 1620 hours and was the incident was assigned control # 19-0710.

TCPUD Crews immediately responded and began constructing a 6-inch diameter vacuum suction line to connect to the TCPUD Vactor truck to begin vacuum bypassing flow from MH1006. While the suction lift and distance from MH1006 to the road elevation is significant (between 50-60 feet of lift and 190-200 feet of run), TCPUD has employed this same setup successfully in annually cleaning and maintaining the

wet well of the sanitary sewer lift station that collects the sewage from that area. An attempt was made to bypass MH1006 at approximately 1850 hours with the Vactor. Unfortunately due the outlet of MH1006 being essentially open and submerged under lake level by about 14 inches, the Vactor suction could not keep up with the constant inflow of the lake. A second Vactor truck was brought on site and resulted in the same performance restrictions. Unfortunately due to significant rocks and sand in the manhole a plug could not be inserted into the outlet of the manhole to seal off the lake. Bypass pumping equipment was installed and directed to a manhole on Edgewater Drive. Pumping commenced at approximately 2245 hours and debris was removed to allow a plug to be successfully inserted in the outlet of MH1006 at approximately 2300 hours on January 30, 2019. This effectively stopped the spill.

Very little if any sewage related debris was found outside of the manhole. All debris from within the manhole was removed and returned to the sanitary sewer system.

January 31, 2019 to March 12, 2019

Due to primarily weather restrictions as well as construction complexity of the repair, the District has spent the majority of this time period bypassing sewage from the damaged section. A marine contractor was retained and mobilized in early February to begin repairs. However, record February snowfall followed by consistent precipitation and storms in the first part of March 2019 has kept the contractor from being able to perform repairs. The complexity of the repair requires several straight days of calm wind and weather to allow the equipment and environmental controls necessary for the repair to be positioned in the lake. As well, restrictions on turbidity levels and lake water quality have limited the time that the necessary turbidity containment device could stay in place without risking damage, water quality violations, and worker safety. As of March 13, 2019, the contractor has re-mobilized and the repair is ongoing while the weather remains calm.

2. Spill Volume Estimation:

TCPUD has reviewed various records and data to attempt to reconstruct when the sewer main may have become dislodged. The Dollar 1 Edgewater Sewer Pump Station (SPS) is located downstream of the location of the dislodged pipe and collects and pumps sewage from **38** homes located on Edgewater Drive. The number of homes located upstream of the location of the dislodged pipe is **17**. Records of the wet well level have been analyzed and indicate that just after noon on **January 5, 2019**, the SPS experienced a rapid increase in wet well level which activated both the lead and lag pumps due to the rapid rise. Both pumps were able to overcome the rapid inflow and successfully pumped down the wet well prior to any high level alarms being triggered. A graph of the SPS wet well data is included in **Attachment 3.** The inflow rapidly decreased as rock and debris quickly sealed off the end of the pipe due to the rapid movement of water mobilizing lake sediment toward the open pipe. While some inflow into the station remained, the overall flow volume was not out of the ordinary for the January holiday periods as shown below. Therefore, weekly routine inspection of the SPS did not alert the operators to a potential problem.

Dollar 1 Edgewater Sewer Pump Station Flow Comparison

Date Range	Total SPS Inflow for Period (gallons)	Average Inflow Rate for Period (gallons/min)
1/3/2017 to 1/30/2017	141,600	2.9
1/2/2018 to 1/29/2018	159,600	3.4
12/31/2018 to 1/28/19	143,700	3.0

A detailed analysis of water meter readings for the 17 upstream homes is included as **Attachment 2**. Based on the methodology described in the attachment, the spill volume is estimated at 16,372 gallons.

3. Spill Cause:

As described above, it appears gravity sewer main ID 10157 became dislodged just after 1200 hours on January 5, 2019. This date and time correlate very well with a significant storm/wind event that impacted the region. A wind summary for that date at the Truckee-Tahoe Airport is included as **Attachment 3** and shows significant peak gusts around mid-day on January 5, 2019. It is presumed that excessive wave action and the specific lake elevation on that date contributed to significant erosion, scouring and impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged at the existing coupling locations. Lake water and debris quickly filled into the gravity main downstream of this location as well as into MH1006. The gravel and debris in MH1006 acted as a filter for raw sewage debris, however it is evident by the water quality data that raw sewage was filtering into Lake Tahoe from the 17 homes located upstream of the spill site.

4. Public Notification and Reporting:

On January 31, 2019 a public notice was sent by email to several entities in the local community including the local homeowners associations, Placer County CEO's office, North Tahoe PUD, South Tahoe PUD and the North Lake Tahoe Resort Association. In addition, a running public notification has been posted on the District website homepage and the link is to an active running document with frequent status updates. The notice and current web page and link are included as **Attachment 6**. Sanitary Sewer Overflow (SSO) reporting was initiated on 2/3/19 through the California Integrated Water Quality System and was assigned Spill Event ID 855840. An initial draft was submitted on 2/4/19 and was certified on 2/14/19. An amended report was submitted on 3/14/19 which included upload of this report and the reduction of the spill volume estimate based on the findings as included in **Attachment 2**.

5. Water Quality Monitoring:

Water quality testing was performed on January 30, 2019, during the active spill, and again on February 5, 2019. Both sets of samples were analyzed for Total Coliform and E. Coli. Sample analyses for the January 30, 2019 samples was conducted by the Tahoe Truckee Sanitation Agency, an ELAP certified laboratory (ELAP# 1144). Sample analyses for the February 5, 2019 samples was conducted by the Western Environmental Testing, an ELAP certified laboratory (ELAP# 2523).

Sample locations consisted of 3 sites all in Lake Tahoe:

- Site 1 - At the spill site (MH1006) – "Spill Site"
- Site 2 - 100' east of the spill site "Upstream or U"
- Site 3 - 100' west of the spill site "Downstream or D"

These locations are shown on **Attachment 1**. The results are presented below and the Lab Analyses Sheets are attached as **Attachment 4**.

Water Quality Monitoring Results

Sample Site	Location Description	Date Sampled	Time Sampled	Total Coliform (MPN/100 ml)	E.Coli (MPN/100 ml)
Site 1	Spill Site	1/30/19	1840	>1600	>1600
Site 2	Upstream	1/30/19	1830	110	20
Site 3	Downstream	1/30/19	1835	7.8	2.0
Site 1	Spill Site	2/5/19	1210	4.1	<1
Site 2	Upstream	2/5/19	1205	3.1	<1
Site 3	Downstream	2/5/19	1200	2.0	<1

6. Preventative Maintenance Records:

The spill manhole and sewer lines upstream and downstream of this location were inspected by routine scheduled closed circuit television on October 7, 2015. The line was last cleaned on May 11, 2018. The television records do not indicate any deficiencies. The inspection record from 2015 and cleaning record from 2018 are included as **Attachment 5**. In addition, due to concerns over the age of the ACP pipe, in 2017, an 18" section of pipe approximately 80' downstream of MH 1006 was removed to undergo destructive and non-destructive testing. The testing revealed the pipe was in good condition and exceeded the original design strength. A copy of this report is provided in **Attachment 5**. It should be noted that the location of the removed pipe section was downstream of the area damaged by the wave action mentioned above and did not contribute to the failure.

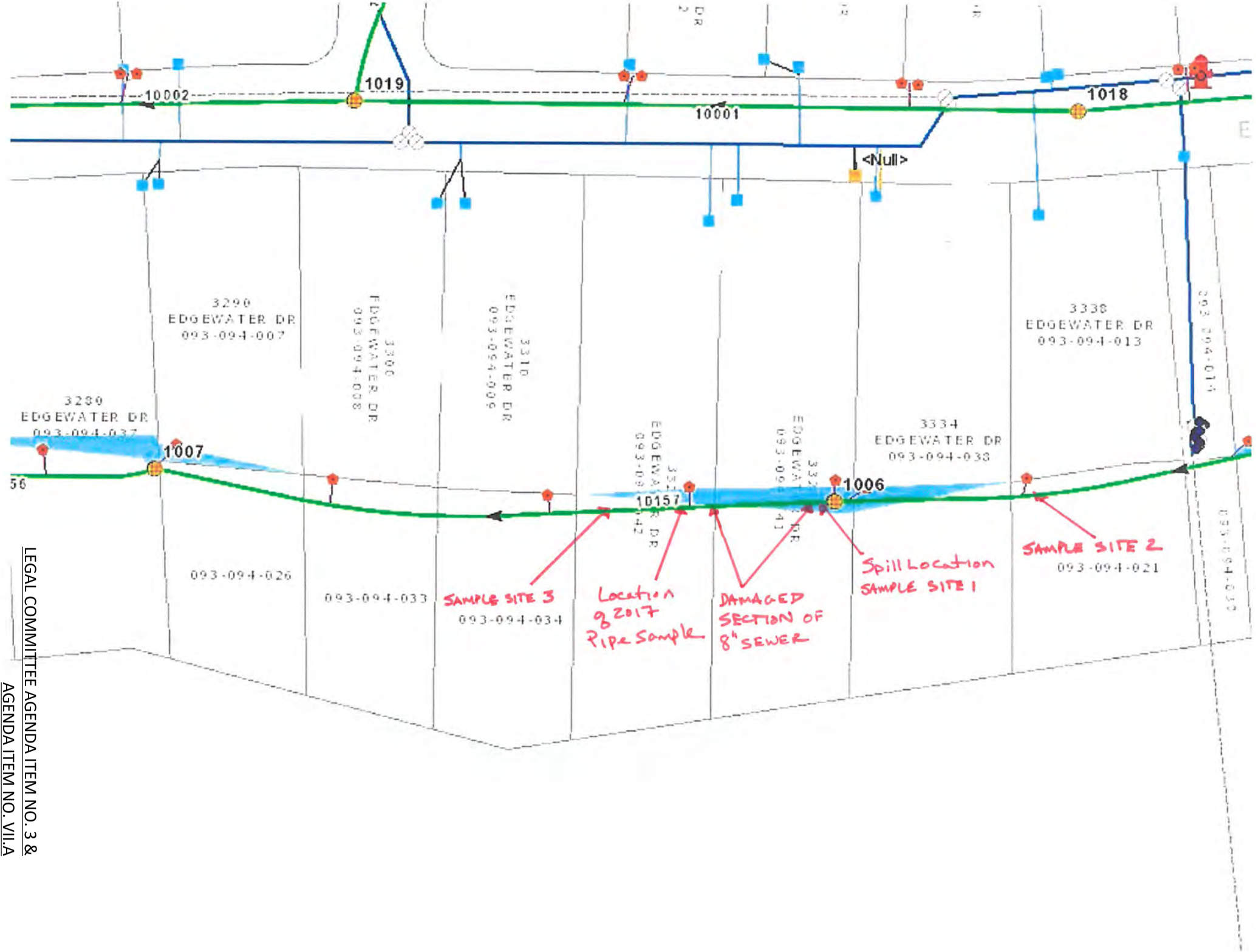
7. Corrective Actions Completed and/or Planned:

1. Completed: Bypassing all upstream sewer services until full repair complete
2. Planned: Complete repair of damaged pipe section with anchored pipe
3. Planned: Operational changes to SPS to alert operator of lag pump operation
4. Planned: Monitoring device in manhole to alert of potential surcharge

Attachment 1

Spill Location and Sample

Site Location Map


10002
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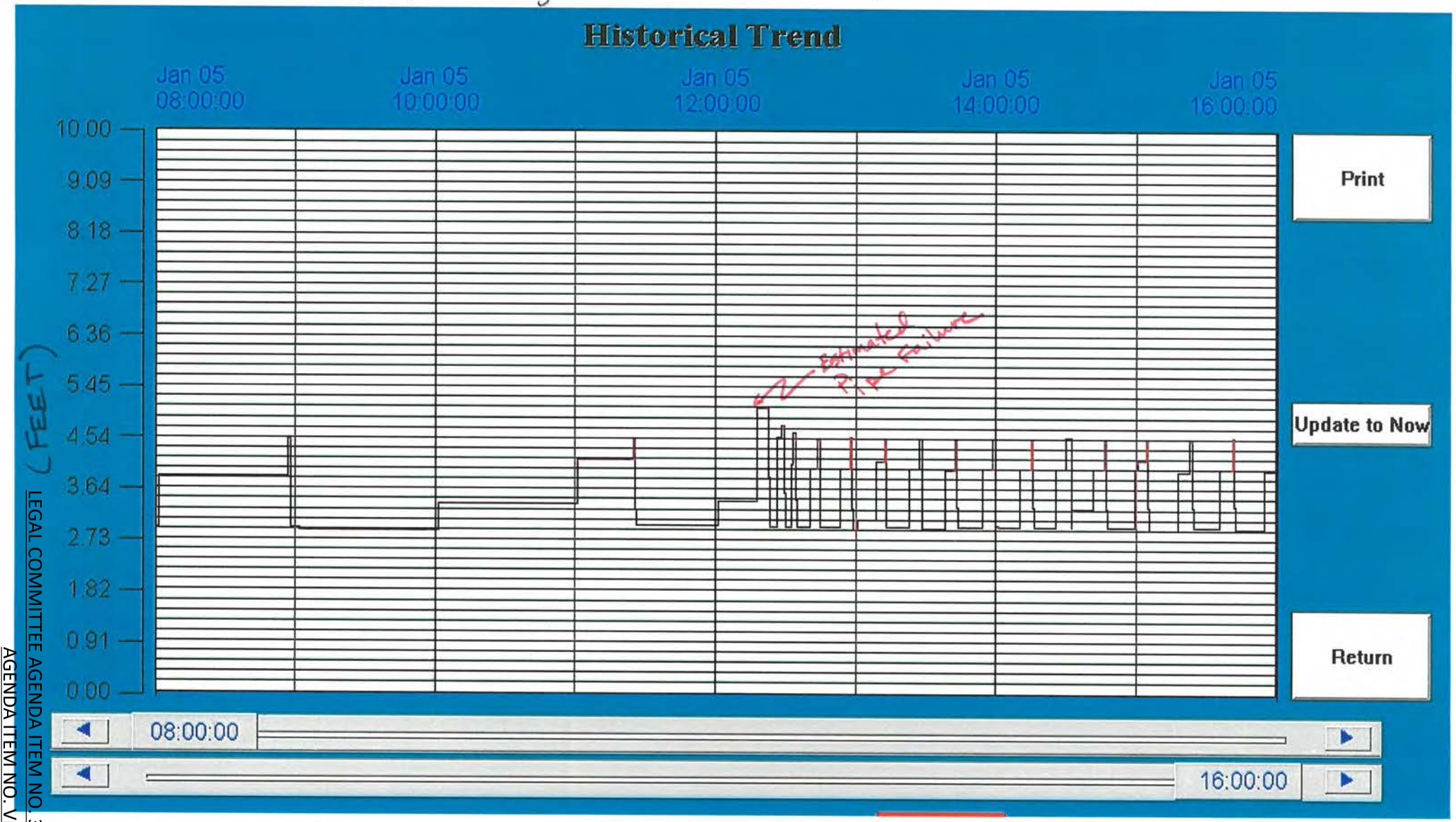
3290
EDGEWATER DR
093-094-007
3300
EDGEWATER DR
093-094-008
3310
EDGEWATER DR
093-094-009
3330
EDGEWATER DR
093-094-013
3230
EDGEWATER DR
093-094-037
1007
56
10157
1006
3334
EDGEWATER DR
093-094-038
093-094-026
093-094-033
093-094-034
SAMPLE SITE 3
Location of 2017 Pipe Sample
DAMAGED SECTION OF 8" SEWER
Spill Location
SAMPLE SITE 1
SAMPLE SITE 2
093-094-021

Attachment 2

Wet Well Level and Wind Speed Data

Dollar 1 Edgewater Sewer Pump Station WETWELL DATA.



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> Wind Yesterday
> Last 7 Days
> Wind Archive
> Local Info
> Sensor Notes
> Wind Alert
Switch Site

CA- eastern

Real-Time Data
> Dynamic Map
> Wind Obs Map
> Radar + Satellite Map
> Wind Obs Summary

Computer Forecasts
> Model Tables
> Wind Vector Fx Map
> Wind FlowViz Fx Map

More Maps

Other Resources

Watches/Warnings
> Coastal/Lakeshore Hazard Messages
> Winter Weather Watch/Warning/Advisory

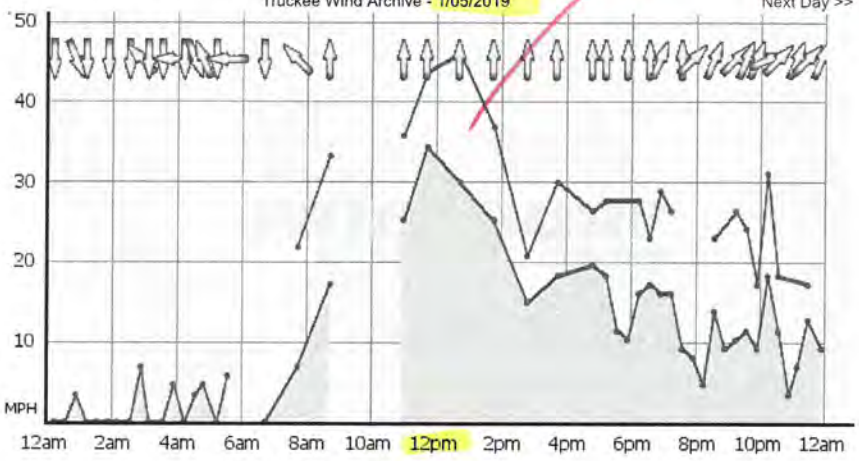
Archive Search

Truckee, CA | Jan | 2019 | Go

Truckee ☆ **Rate** **Survey!**

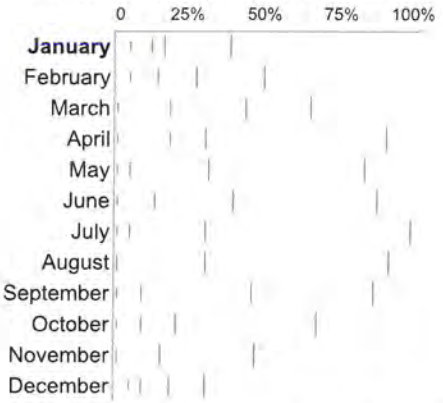
<< Previous Day — Truckee Wind Archive - 1/05/2019 — Next Day >>

PEAK WIND ACTIVITY.



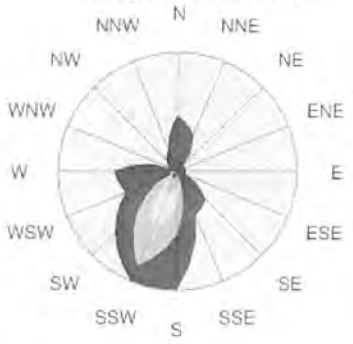
See this Station on new iWindsurf — Wind Statistics

Percent of Windy Days per Month



Wind Direction Distribution (%)

January - All Time - Avg



☐ > 10 mph ☐ > 15 mph ☐ > 20 mph ☐ > 25 mph ☐ all

Link this to your site — click for more data

iWindsurf Forum | Start a New Topic | View all Topics	Author	Latest Post
Where We Sailed Today	geohaye	29 Jan 2019 8:17 PM SPQR
OB KC 2.0 is up and running and it is spectacular !	Riptide	30 Jan 2019 2:12 PM rswabsin
Inflateable SUP	volley1961	25 Jan 2019 3:42 PM isobars

Attachment 3

Spill Volume Estimation

TAHOE CITY PUBLIC UTILITY DISTRICT

MEMORANDUM

TO:	File	**DATE:**	March 12, 2019
C:	Matt Homolka, P.E. District Engineer/AGM		
FROM:	Sarah Hussong Johnson, P.E. Associate Civil Engineer	**SUBJ:**	Dollar-Edgewater 2019 Sewer Line Failure – Spill Volume Estimate

Background

The Dollar-Edgewater sewer line failure is estimated to have occurred on January 5, 2019 and lasted until January 30, 2019, at which time the TCPUD established a bypass around the failed section of sewer line. There are seventeen (17) connections (homes) upstream of the sewer line failure point. The following memo details the calculation used to estimate the volume of sewage over the 25 days spill period.

Methodology

Because sewer consists primarily of used water, sewer generation rates can be calculated from water consumption data. In general, about 60 to 80 percent of the per capita consumption of water will become sewage.[1] For the purpose of this analysis, an 85 percent water to wastewater generation rate was used to conservatively account for current seasonal winter water usage, which excludes irrigation and other outdoor uses.

Water consumption for each property is metered; the meter is read on a monthly basis. During the spill period, there were two meter readings; the monthly automated meter read on January 22, 2019 and a manual meter read on January 31, 2019. Water meter consumption data for each of the seventeen (17) homes is provided in Table A (attached).

One upstream property, 3374 Edgewater Drive (APN 093-083-043), was flagged as having a potential leak during the metered period. A property is flagged for a leak if the water meter does not come to a rest (indicating no water use) for a period of one continuous hour in a 24-hour period. The leak was investigated by District staff and determined to be an external plumbing leak that did not contribute to sewer discharge. The measured leak rate matched the metered water consumption rate over the spill period. Therefore, the 3374 Edgewater Drive water consumption data was omitted from the calculated spill volume.

The spill start date of January 5, 2019 is included in the December 20, 2018 through January 22, 2019 monthly water consumption period. This consumption period included three holidays: Christmas, New Years, and Martin Luther King (MLK) Jr. Day. Water consumption can increase dramatically over holidays, especially in part-time occupancy communities such as Tahoe and this neighborhood in particular. In order to discern the portion of water consumed during the spill period, after the Christmas/New Years holiday, the data was analyzed to estimate the holiday peak

[1] Metcalf & Eddy, Inc., *Wastewater Engineering: Collection*, *Treatment*, *Disposal*, McGraw-Hill, 1981

consumption versus the average daily non-holiday consumption. The analysis assumed the following peak water consumption days:

- Christmas/New Years = 12/22/18 (Saturday) to 1/6/19 (Sunday) = 16 days
- Martin Luther King Jr. Day = 1/19/19 to 1/21/19 = 3 days

A non-peak average daily water demand (ADD) was calculated from the non-holiday consumption period of January 22 – 31, 2019, as shown below.

Meter Date Range	Number of Days in Period	Peak Water Consumption Days in Period	Total Water Consumption (gallons)	Total Water Consumption less 3374 Edgewater (gallons)	Average Daily Demand (ADD) less 3374 Edgewater (gallon/day)
1/31/19 - 1/22/19	9	--	9,085	4,636	515
1/22/19 - 12/20/18	33	19	63,167	47,348	1,435

Using the non-peak ADD of 515 gallons/day, the assumed number of peak holiday days, and the known total consumption volume over the period, a peaking factor of 4.1 was derived for holiday water consumption.

The ADD and peaking factor were then used to calculate water consumption during the spill period, as detailed below.

Spill Date Range	Number of Spill Days	Peak Water Consumption Days in Spill Period	ADD less 3374 Edgewater (gallons/day)	Peaking Factor	Calculated Water Consumption less 3374 Edgewater (gallons)
1/5/19 - 1/30/19	25	4	515	4.1	19,261

Using an 85% water to wastewater generation rate results in the estimated volume of sewer spilled, below.

Spill Date Range	Water Consumption less 3374 Edgewater (gallons)	Water to Wastewater Generation Rate	**Calculated Sewer Spill Volume (gallons)**
1/5/19 - 1/30/19	19,261	85%	**16,372**

Table A
Water Meter Consumption Data
Dollar Edgwater Sewer Line Failure
Tahoe City Public Utility District
January 2019

Edgwater Address	APN	Consumption Over Meter Period (gallons)		Total Consumption (gallons)
		1/22/19 - 1/31/19	12/20/18 - 1/22/19	
3328	093-094-041	103	2,218	2,321
3334	093-094-038	43	179	222
3338	093-094-013	286	6,778	7,064
3340	093-083-039	222	6,223	6,445
3344	093-083-039	379	1,107	1,486
3350	093-083-040	29	11,489	11,518
3356	093-083-041	237	2,877	3,114
3360	093-083-042	274	1,250	1,524
3370	093-083-005	155	1,542	1,697
3374 [1]	093-083-043	4,449	15,819	20,268
3380	093-083-038	0	2,522	2,522
3384	093-083-008	1,512	2,788	4,300
3390	093-083-009	0	825	825
3410	093-083-011	300	5,470	5,770
3420	093-083-012	1,096	748	1,844
No Acct[2]	093-083-013	--	--	
3436	093-083-014	0	1,332	1,332
3440	093-083-015	0	0	0
Total Consumption (gallons) =		**9,085**	**63,167**	**72,252**

Notes:

1. 3374 Edgwater (APN 093-083-043) flagged for a potential water leak due to meter running continuously over a 24-hour period. Consumption data omitted from spill calculation, per memorandum.
2. No customer account associated with APN.

Attachment 4

Water Quality Lab Reports

2/9/2019

Tahoe City Public Utility District
211 Fairway Dr. (P.O Box 5249)
Tahoe City, CA 96145
Attn: Dan Lewis

OrderID: *19020079*

Dear: Dan Lewis

This is to transmit the attached analytical report. The analytical data and information contained therein was generated using specified or selected methods contained in references, such as Standard Methods for the Examination of Water and Wastewater, online edition, Methods for Determination of Organic Compounds in Drinking Water, EPA-600/4-79-020, and Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods (SW846) Third Edition.

The samples were received by WETLAB-Western Environmental Testing Laboratory in good condition on 2/5/2019. Additional comments are located on page 2 of this report.

If you should have any questions or comments regarding this report, please do not hesitate to call.

Sincerely,

Andy Smith
QA Manager

SPARKS
475 E. Greg Street, Suite 119
Sparks, Nevada 89431
tel (775) 355-0202
fax (775) 355-0817
EPA LAB ID: NV00925 - ELAP No: 2523

ELKO
1084 Lamoille Hwy
Elko, Nevada 89801
tel (775) 777-9933
fax (775) 777-9933
EPA LAB ID: NV00926

LAS VEGAS
3230 Polaris Ave. Suite 4
Las Vegas, Nevada 89102
tel (702) 475-8899
fax (702) 622-2868
EPA LAB ID: NV00944

Western Environmental Testing Laboratory
Report Comments

Tahoe City Public Utility District - 19020079

Specific Report Comments

None

Report Legend

B	--	Blank contamination; Analyte detected above the method reporting limit in an associated blank
D	--	Due to the sample matrix dilution was required in order to properly detect and report the analyte. The reporting limit has been adjusted accordingly.
HT	--	Sample analyzed beyond the accepted holding time
J	--	The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit
M	--	The matrix spike/matrix spike duplicate (MS/MSD) values for the analysis of this parameter were outside acceptance criteria due to probable matrix interference. The reported result should be considered an estimate.
N	--	There was insufficient sample available to perform a spike and/or duplicate on this analytical batch.
NC	--	Not calculated due to matrix interference
QD	--	The sample duplicate or matrix spike duplicate analysis demonstrated sample imprecision. The reported result should be considered an estimate.
QL	--	The result for the laboratory control sample (LCS) was outside WETLAB acceptance criteria and reanalysis was not possible. The reported data should be considered an estimate.
S	--	Surrogate recovery was outside of laboratory acceptance limits due to matrix interference. The associated blank and LCS surrogate recovery was within acceptance limits
SC	--	Spike recovery not calculated. Sample concentration >4X the spike amount; therefore, the spike could not be adequately recovered
U	--	The analyte was analyzed for, but was not detected above the level of the reported sample reporting/quantitation limit

General Lab Comments

Per method recommendation (section 4.4), Samples analyzed by methods EPA 300.0 and EPA 300.1 have been filtered prior to analysis.

The following is an interpretation of the results from EPA method 9223B:
A result of zero (0) indicates absence for both coliform and Escherichia coli meaning the water meets the microbiological requirements of the U.S. EPA Safe Drinking Water Act (SDWA). A result of one (1) for either test indicates presence and the water does not meet the SDWA requirements. Waters with positive tests should be disinfected by a certified water treatment operator and retested.

Per federal regulation the holding time for the following parameters in aqueous/water samples is 15 minutes: Residual Chlorine, pH, Dissolved Oxygen, Sulfite.

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tel (775) 777-9933
fax (775) 777-9933
EPA LAB ID: NV00926

LAS VEGAS
3230 Polaris Ave. Suite 4
Las Vegas, Nevada 89102
tel (702) 475-8899
fax (702) 622-2868
EPA LAB ID: NV00934

Western Environmental Testing Laboratory
Analytical Report

Tahoe City Public Utility District
211 Fairway Dr. (P.O Box 5249)
Tahoe City, CA 96145
Attn: Dan Lewis
Phone: (530) 580-6049 **Fax:**

PO\Project: *3328 Edgewater*

Date Printed: 2/9/2019
OrderID: *19020079*

Customer Sample ID: Spill
Collect Date/Time: 2/5/2019 12:10
WETLAB Sample ID: 19020079-001
Receive Date: 2/5/2019 13:45

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
Microbiological Analyses							
Total Coliform (MPN)	SM 9223B (Quantitray)	4.1	MPN/100ml	1	1.0	2/5/2019	NV00925
Escherichia Coli (MPN)	SM 9223B (Quantitray)	ND	MPN/100ml	1	1.0	2/5/2019	NV00925

Customer Sample ID: U
Collect Date/Time: 2/5/2019 12:05
WETLAB Sample ID: 19020079-002
Receive Date: 2/5/2019 13:45

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
Microbiological Analyses							
Total Coliform (MPN)	SM 9223B (Quantitray)	3.1	MPN/100ml	1	1.0	2/5/2019	NV00925
Escherichia Coli (MPN)	SM 9223B (Quantitray)	ND	MPN/100ml	1	1.0	2/5/2019	NV00925

Customer Sample ID: D
Collect Date/Time: 2/5/2019 12:00
WETLAB Sample ID: 19020079-003
Receive Date: 2/5/2019 13:45

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
Microbiological Analyses							
Total Coliform (MPN)	SM 9223B (Quantitray)	2.0	MPN/100ml	1	1.0	2/5/2019	NV00925
Escherichia Coli (MPN)	SM 9223B (Quantitray)	ND	MPN/100ml	1	1.0	2/5/2019	NV00925

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

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LAS VEGAS
3230 Polaris Ave. Suite 4
Las Vegas, Nevada 89102
tel (702) 475-8899
fax (702) 622-2868
EPA LAB ID: NV00944

Western Environmental Testing Laboratory
QC Report

QCBatchID	QCType	Parameter	Method	Result	Actual	% Rec	Units
QC19020172	Blank 1	Total Coliform (MPN)	SM 9223B (Qu	ND			MPN/100ml
		Escherichia Coli (MPN)	SM 9223B (Qu	ND			MPN/100ml

QCBatchID	QCType	Parameter	Method	Duplicate Sample	Sample Result	Duplicate Result	Units	RPD
QC19020172	Duplicate 1	Total Coliform (MPN)	SM 9223B (Quanti	19020078-00	ND	ND	MPN/100ml	<1%
		Escherichia Coli (MPN)	SM 9223B (Quanti	19020078-00	ND	ND	MPN/100ml	<1%

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

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WETLAB
WESTERN ENVIRONMENTAL TESTING LABORATORY *Specializing in Soil, Hazardous Waste and Water Analysis.*

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1084 Lamoille Highway | Elko, Nevada 89801
tel (775) 777-9933 | fax (775) 777-9933
3230 Polaris Ave., Suite 4 | Las Vegas, Nevada 89102
tel (702) 475-8899 | fax (702) 776-6152

WETLAB Order ID. 19020079
Sparks Control #
Elko Control #
LV Control #
Report Due Date
Page ____ of ____

Client	TCPUD
Address	PO Box 5249
City, State & Zip	Tahoe City CA 96145
Contact	DAN LEWIS
Phone	7758424377
Collector's Name	Dan Lewis
Fax	530 583-1475
PWS/Project Name	3328 Edgewater
P.O. Number	
PWS/Project Number	
Email	dlewis@tcpud.org

Turnaround Time Requirements
Standard ☐
5 Day* (25%) ☐ 72 Hour* (50%) ☐
48 Hour* (100%) ☐ 24 Hour* (200%) ☐
*Surcharges Will Apply

Samples Collected From Which State? NV ☐ CA ☒ Other ☐
Compliance Monitoring? Yes ☐ No ☒
Report to Regulatory Agency? Yes ☐ No ☒
Report Results Via PDF ☒ EDD ☐ Other
Standard QC Required? Yes ☐ No ☐

Billing Address (if different than Client Address)
Company
Address
City, State & Zip
Contact
Phone Fax
Email

SAMPLE ID/LOCATION	DATE	TIME	PRES TYPE *	SAMPLE TYPE **	NO. OF CONTAINERS	Analyses Requested: Total Coliform MPN	Analyses Requested: E.Coli MPN	Spl. No.
Spill	2/5/19	1210	6	WW	1	X	X	
"U"	"	1205	6	WW	1	X	X	
"D"	"	1200	6	WW	1	X	X	

1902 6
0079 3

Instructions/Comments/Special Requirements: MPN - Samples are surface water post sewer spill.
9223 B - Test

Sample Matrix Key** DW = Drinking Water WW = Wastewater SW = Surface Water MW = Monitoring Well SD = Solid/Sludge SO = Soil HW = Hazardous Waste OTHER:

***SAMPLE PRESERVATIVES:** 1=Unpreserved 2=H2SO4 3=NaOH 4=HCl 5=HNO3 6=Na2S2O3 7=ZnOAc+NaOH 8=HCl/VOA Vial

Temp	Custody Seal	# of Containers	DATE	TIME	Samples Relinquished By	Samples Received By
°C	Y N None		2/5/19	12:30		
6.4 °C	Y N None		2/5/19	1:45		
°C	Y N None					
°C	Y N None					

WETLAB'S Standard Terms and Conditions apply unless written agreements specify otherwise. Payment terms are Net 30.

Client/Collector attests to the validity and authenticity of this (these) sample(s) and, is (are) aware that tampering with or intentionally mislabeling the sample(s) location, date or time of collection may be considered fraud and subject to legal action (NAC445.0636). _____ initial

To the maximum extent permitted by law, the Client agrees to limit the liability of WETLAB for the Client's damages to the total compensation received, unless other agreements are made in writing. This limitation shall apply regardless of the cause of action or legal theory pled or asserted. _____ initial

WETLAB will dispose of samples 90 days from sample receipt. Client may request a longer sample storage time for an additional fee. Please contact your Project Manager for details. _____ initial

301.2E

TAHOE TRUCKEE SANITATION AGENCY
13720 BUTTERFIELD DRIVE
TRUCKEE, CALIFORNIA 96161

530-587-2525
California ELAP# 1144

For Laboratory use only
SAMPLE NUMBER
7246

NAME & ADDRESS (Billing & Results)
TCPUD
P.O. Box 5249
Tahoe City CA 96145
TELEPHONE CALLED

DATE & HOUR COLLECTED 1/30/19 1840
SAMPLE COLLECTED BY DAN LEWIS
REASON FOR TESTING SEWAGE SPILL
SUPPLY TREATED, HOW? N/A
SAMPLING ADDRESS/LOCATION "S" Spill Location

① CHAIN OF CUSTODY
COLLECTED BY

② DELIVERED TO
DATE TIME

RECEIVED BY BP
DATE 1/31/19 TIME 0755

TEST SET UP am
DATE 1/31/19 TIME 920

DATE AND TIME OF READING
2/4/19 0815

TECH
BP

CHROMOGENIC/FLUOROGENIC
FOR DRINKING WATER
PRESENT/ABSENCE PER 100ML

ADDITIONAL FAX# / ADDRESSES FOR RESULTS
MPN only -
FAX RESULTS TO 583-1475

NOTES: MIGHT NEED DILUTION 8°C
Run out of hold time am

	CIRCLE APPROPRIATE RESULT
COLIFORM (MPN)	~~PRESENT~~ / ABSENT > 1600 mpn/100
E. COLI (MPN)	PRESENT > 1600 mpn/100 / ~~ABSENT~~

TO RE-ORDER CALL ATOMIC PRINTING 530-581-5812

TAHOE TRUCKEE SANITATION AGENCY
13720 BUTTERFIELD DRIVE
TRUCKEE, CALIFORNIA 96161

530-587-2525
California ELAP# 1144

For Laboratory use only
SAMPLE NUMBER
7248

NAME & ADDRESS (Billing & Results)
TCPUD Tahoe City
PO Box 5249 CA 96145
TELEPHONE CALLED

DATE & HOUR COLLECTED 1/30/19 1830
SAMPLE COLLECTED BY DAN LEWIS
REASON FOR TESTING SEWER SPILL
SUPPLY TREATED, HOW? N/A
SAMPLING ADDRESS/LOCATION "US" Upstream 100'

① CHAIN OF CUSTODY
COLLECTED BY

② DELIVERED TO
DATE TIME

RECEIVED BY BP
DATE 1/31/19 TIME 0755

TEST SET UP am
DATE 1/31/19 TIME 930

DATE AND TIME OF READING
2/4/19 0815

TECH
BP

CHROMOGENIC/FLUOROGENIC
FOR DRINKING WATER
PRESENT/ABSENCE PER 100ML

ADDITIONAL FAX# / ADDRESSES FOR RESULTS
MPN only
FAX RESULTS TO 583-1475

NOTES: 8°C Run out of hold time am

	CIRCLE APPROPRIATE RESULT
COLIFORM (MPN)	~~PRESENT~~ 110 mpn/100 / ABSENT
E. COLI (MPN)	PRESENT 20 mpn/100 / ~~ABSENT~~

TO RE-ORDER CALL ATOMIC PRINTING 530-581-5812

TAHOE TRUCKEE SANITATION AGENCY
13720 BUTTERFIELD DRIVE
TRUCKEE, CALIFORNIA 96161

530-587-2525
California ELAP# 1144

For Laboratory use only
SAMPLE NUMBER
7247

NAME & ADDRESS (Billing & Results)
TCPUD
PO Box 5249
TAHOE CITY CA 96145
TELEPHONE CALLED

DATE & HOUR COLLECTED 1/30/19 1835
SAMPLE COLLECTED BY DAN LEWIS
REASON FOR TESTING SEWER SPILL
SUPPLY TREATED, HOW? N/A
SAMPLING ADDRESS/LOCATION "D" 100' DOWNSTREAM

(1) CHAIN OF CUSTODY
COLLECTED BY

(2) DELIVERED TO
DATE TIME

RECEIVED BY BP
DATE 1/31/19 TIME 0755

TEST SET UP dm
DATE 1/31/19 TIME 925

DATE AND TIME OF READING
2/4/19 0815

TECH
BP

CHROMOGENIC/FLUOROGENIC
FOR DRINKING WATER
PRESENT/ABSENCE PER 100ML

ADDITIONAL FAX# / ADDRESSES FOR RESULTS
MPN only
~~FAX RESULTS TO~~ 583-1475

NOTES: 8°C Run out of hold time dm

	CIRCLE APPROPRIATE RESULT
COLIFORM (MPN)	~~PRESENT~~ 7.8 MPN/100ml
	~~ABSENT~~
E. COLI (MPN)	~~PRESENT~~ 2.0 MPN/100ml
	~~ABSENT~~

TO RE-ORDER CALL ATOMIC PRINTING 530-581-5812

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A

Attachment 5

Preventative Maintenance Records

CUES, Inc.
3600 Rio Vista Avenue
Orlando, FL 32805
Phone: 407-849-0190
Fax: 407-425-1569

Main Inspections

Mainline ID:	City:	Street:	Project name:
10157	**DOLLAR POINT**	**3328 EDGEWATER DRIVE LAKE LINES**	**Archive - 2015**
Upstream MH No:	Downstream MH No:	Start date/time:	End date/time:
1006	**1007**	**10/7/2015 10:24 AM**	**10/7/2015 11:28 AM**
Shape:	Material:	Height:	Width:
C	**PE**	**8 in.**	**8 in.**
Total length:	Length surveyed:	Purpose:	Work order no.:
408.0 ft.	**400.0 ft.**	**F**	
Surveyed by:	Weather:	Status:	
TODD MILLER	**1**	**Completed**	
Additional info:			

Observations

Distance	Dir.	Length	From/To	Code	Modifier	Rating
0.0 ft.	**D**		**/**	**START WITH FLOW**		
0.0 ft.	**D**		**/**	**AMH**		
81.1 ft.	**D**		**2 /**	**TF**		
90.4 ft.	**D**		**/**	**MWLS**		
108.9 ft.	**D**		**/**	**MWLS**		
164.2 ft.	**D**		**2 /**	**TF**		
200.9 ft.	**D**		**/**	**MWLS**		
221.9 ft.	**D**		**/**	**MWLS**		
306.8 ft.	**D**		**2 /**	**TF**		
375.8 ft.	**D**		**/**	**MWLS**		
396.8 ft.	**D**		**/**	**MWLS**		
396.8 ft.	**D**		**/**	**STOP**		
400.0 ft.	**D**		**/**	**AMH**		

CUES, Inc.
3600 Rio Vista Avenue
Orlando, FL 32805
Phone: 407-849-0190
Fax: 407-425-1569

Main Inspections

Mainline ID:	City:	Street:	Project name:
10157			**2018 Cleaning**
Upstream MH No:	Downstream MH No:	Start date/time:	End date/time:
1006	**1007**	**5/11/2018 2:45 PM**	**5/11/2018 2:45 PM**
Shape:	Material:	Height:	Width:
C	**AC**	**8 in.**	**8 in.**
Total length:	Length surveyed:	Purpose:	Work order no.:
406.0 ft.	**0.0 ft.**		
Surveyed by:	Weather:	Status:	
JUSTIN BANCROFT	**1**	**Completed**	
Additional info:			

Observations

Distance	Dir.	Length	From/To	Code	Modifier	Rating
0.0 ft.	**D**		**/**	**AMH**		
0.0 ft.	**D**		**/**	**MWL**		

Tahoe City Asbestos-Cement Pipe Testing

AME Project No. 1170604C

Client: HDR Engineering, Inc.

Data Summary

Sample No.	Address/Location	Nominal Outside Diameter (in)	Crushing Strength (lb_f/ft)	Design Load[1] (lb_f/ft)	Pass/Fail
1	3410 Edgewater	6	7368	5400	Pass
2	Tony L Lonely Gulch	4	10116	5400	Pass
3	Flicker 4" H2O	4	5739	5400	Pass
4	Highway 89	6	11197	5400	Pass
5	Rubicon Beach	4	8671	5400	Pass
6	East Lagoon H2O Line	4	2384	5400	Fail
7	Park Terrace	4	2844	5400	Fail
8	$1 Edgewater	4	10418	5400	Pass
9	Gold Coast/Glen Dr.	8	9696	5500	Pass
10	3328 Edgewater	8	5680	5500	Pass
11	N. Lane for Tony	6	10033	5400	Pass
12	Waters Edge Tony	6	8647	5400	Pass
13	Meeks Bay Force Main	14	11393	8600	Pass

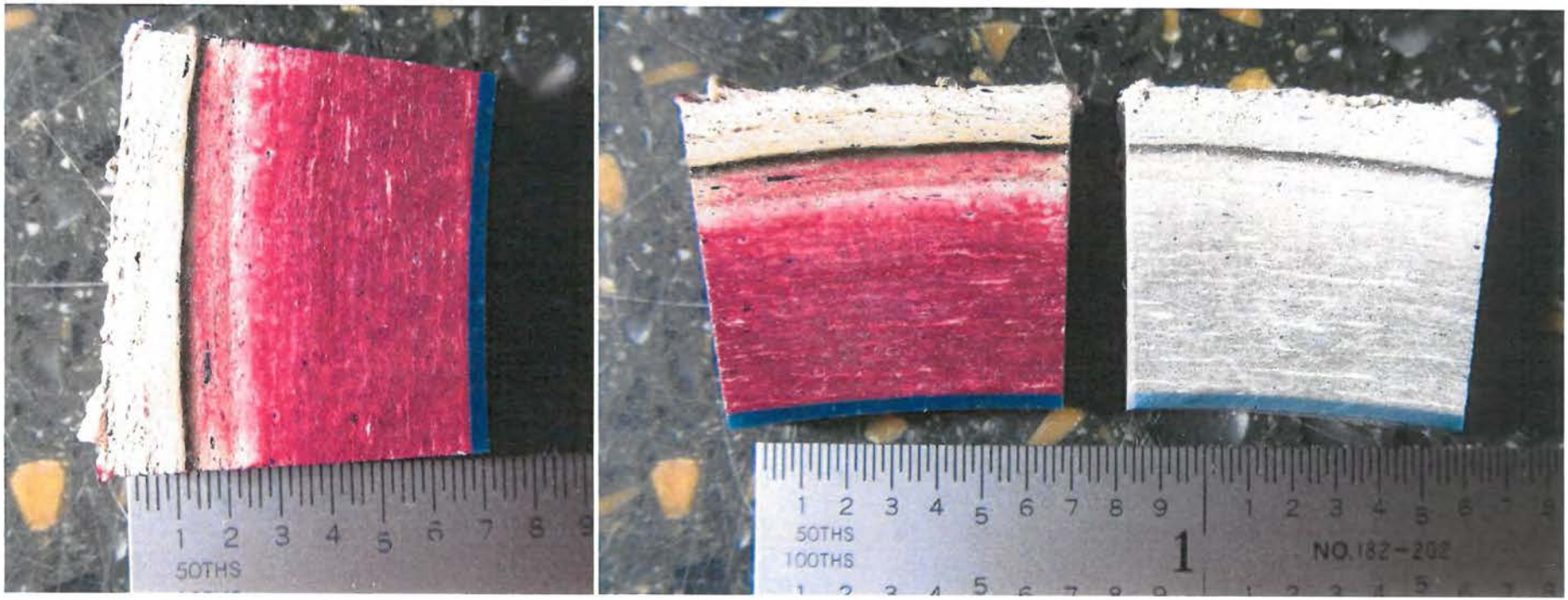
(1) Design Strength based on ASTM C 296 Crushing Strength AC Pipe Class 150

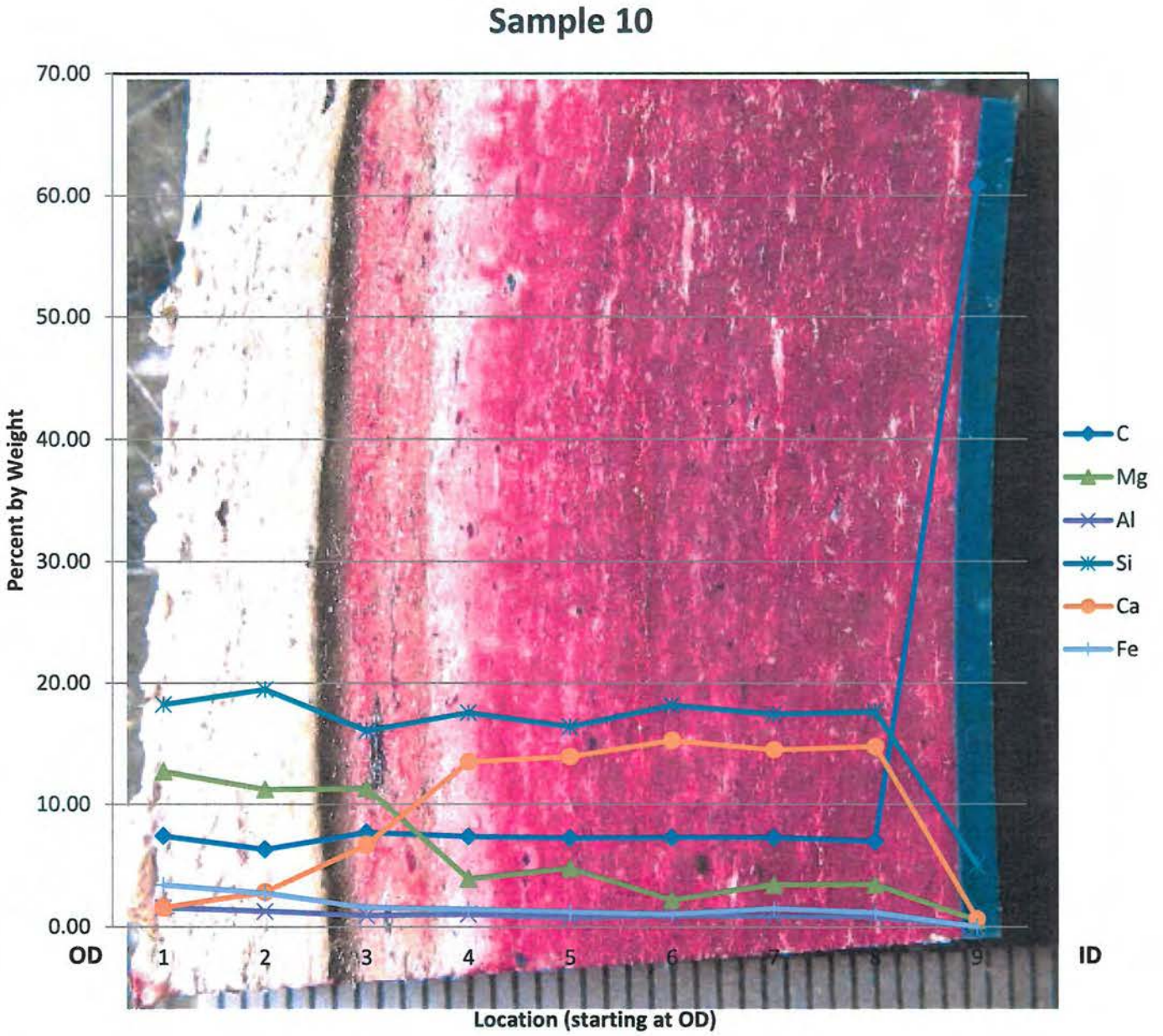
Sample 10 – 3328 Edgewater

Elemental Composition by Energy Dispersive X-Ray for Sample 10 (percent by weight)									
Location	1	2	3	4	5	6	7	8	9
C	7.40	6.29	7.68	7.35	7.23	7.27	7.27	6.95	60.82
O	55.20	55.89	55.79	55.14	55.72	55.06	54.74	55.24	33.04
Mg	12.70	11.22	11.31	3.90	4.79	2.21	3.44	3.47	0.51
Al	1.54	1.26	0.91	1.02	0.75	0.89	0.87	0.79	0.00
Si	18.21	19.45	16.04	17.53	16.37	18.14	17.40	17.61	5.00
S	0.00	0.00	0.00	0.14	0.00	0.14	0.15	0.00	0.00
K	0.00	0.00	0.00	0.00	0.00	0.00	0.14	0.00	0.00
Ca	1.57	2.85	6.69	13.49	13.92	15.25	14.48	14.75	0.63
Mn	0.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fe	3.38	2.72	1.58	1.43	1.21	1.05	1.51	1.18	0.00
Total	100.00	100.00	100.00	100.00	99.99	100.01	100.00	99.99	100.00

pH Test

Tahoe City AC Pipe
Sample 10, 3328 Edgewater





Elemental Analysis (excluding Oxygen) overlain on cross-sectional slice through pipe

Crush Test
(ASTM C 500)

Tahoe City AC Pipe
Sample 10, 3328 Edgewater

Crush Strength: 5680 lb_f/ft

Design Strength: 5500 lb_f/ft[1]

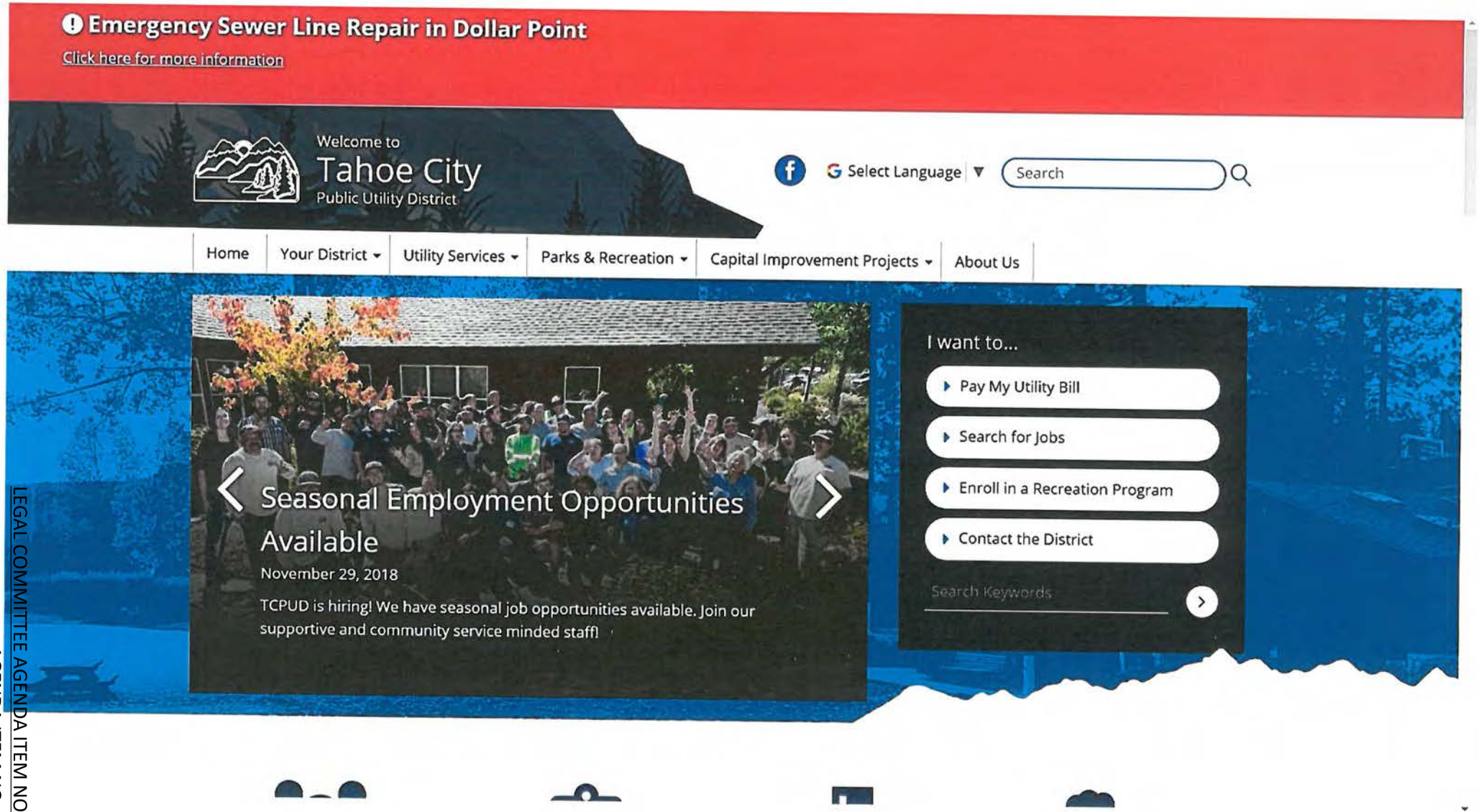
(1) Design Strength based on ASTM C 296 Crushing Strength AC Pipe Class 150

Before Test

After Test

Attachment 6

Public Notices



Public Notice – Update
March 12, 2019

Given the upcoming favorable weather forecast, we intend to mobilize on-site Wednesday, March 13 to begin the sewer line repair work. We will continue the repair work as long as the weather and wind conditions on the lake is favorable for safe working conditions. The sewer line by-pass will be active until the repair work has been completed.

Public Notice – Update
March 5, 2019

The Dollar/Edgewater sewer line emergency repair work remains on hold due to continuous winter storm events and subsequent high lake levels and wave action. The TCPUD continues to actively monitor the weather forecast and lake conditions to determine when the necessary 5-day window of safe working conditions will be present. An outside contractor has been retained to monitor the installed by-pass system on-site 24 hours a day until the repair work can be completed.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

Public Notice – Update
February 22, 2019

Due to continuous winter storm events and subsequent high lake levels and wave action, the emergency repair work on the Dollar/Edgewater sewer line is on hold. The TCPUD continues to assess the weather forecast to determine appropriate and safe working conditions. TCPUD crews remain on-site 24 hours a day to monitor the installed by-pass system until the repair work can be completed.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

Public Notice – Update
February 13, 2019

On February 12th, the TCPUD relocated the sewer line by-pass system in order to protect it and the lake from rising lake levels and high wave action associated with the current storm activity. The by-pass relocation impacts six residences as the TCPUD is unable to maintain water service to those customers. These customers have been notified. The TCPUD continues to monitor the storm activity and will move the by-pass back to a location that does not impact water service to any customers as soon as it is considered safe for residential customers, TCPUD utility crews, and the sewer system.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

Public Notice – Update
February 11, 2019

The TCPUD Board of Directors held a Special Board meeting on February 1, 2019 to declare the Dollar Edgewater Sewer Main failure an emergency and immediately executed a contract for repair services. The contractor was able to mobilize onsite after the storm cleared on Thursday, February 7 and install 2 of 9 pilings needed to protect and secure the damaged section of sewer line. However, strong winds and high wave action required the contractor to demobilize on Friday, February 8 and the repair work has been put on hold until working conditions on the site are deemed safe to commence further work. The sewer by-pass system is in place and there are currently no disruptions to service for our customers. TCPUD crews will remain on-site 24 hours a day monitor the installed by-pass system until the repair work can be completed.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

Public Notice
January 31, 2019

On January 30, 2019, TCPUD utility crews discovered a disruption running along the shoreline below Edgewater Drive in the Dollar Point community. The affected portion of sewer line is between 40-60 feet and serves 17 homes. Staff have responded immediately to mitigate the situation and notify appropriate regulatory agencies. TCPUD crews have capped the existing line and installed a by-pass, effectively

containing the sewer system and ensuring no disruption to service. We do not believe there is currently a public health risk and we are performing complete testing near the affected area. Preliminary investigation by the District indicates wave action produced by recent storm activity exposed the existing sewer line and caused a portion of the line to become detached. The District is working ahead of the upcoming storm to declare an emergency and initiate repairs. The repair work is weather dependent and could take 7-10 days to complete. The District will provide updates as more information becomes available.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

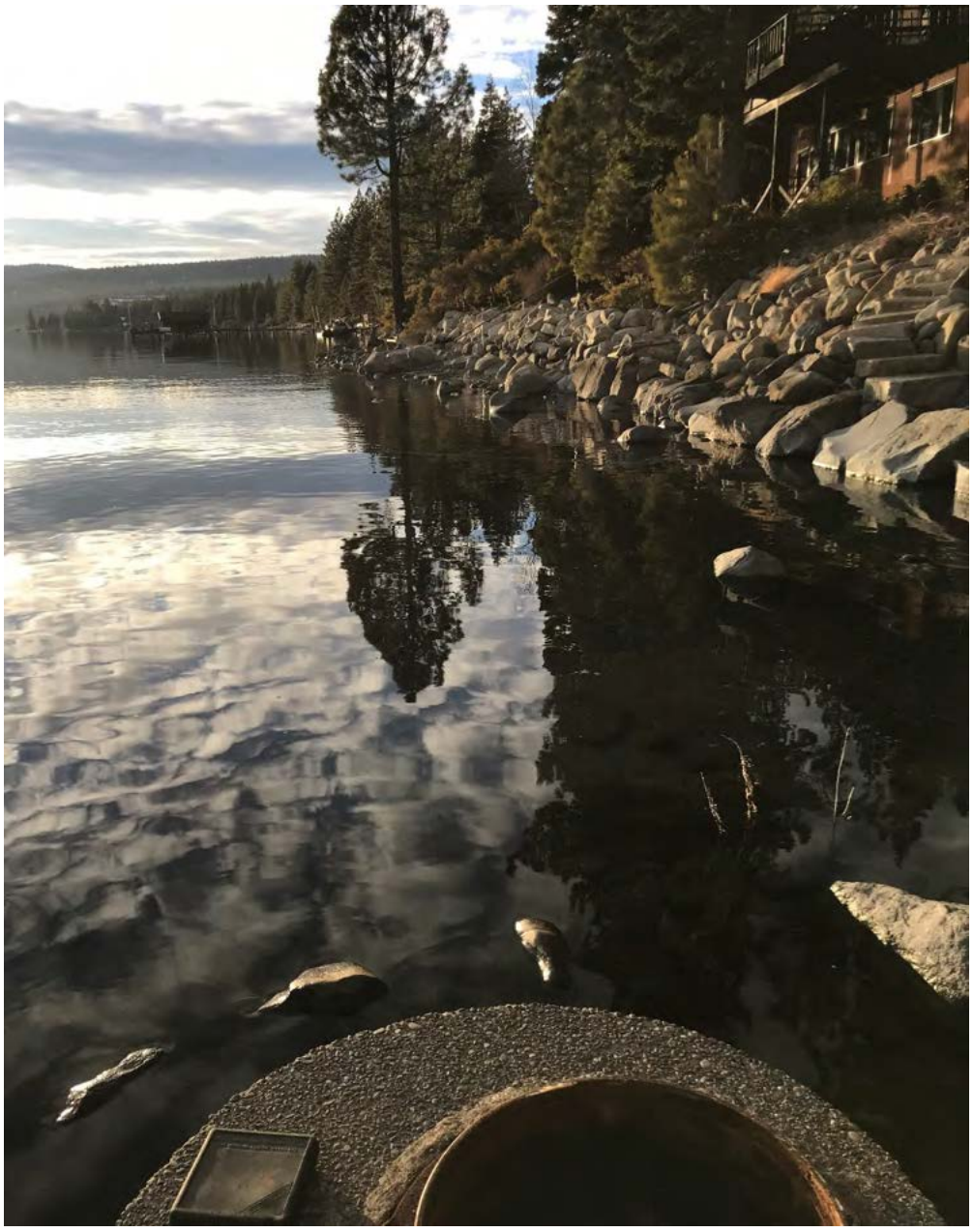
Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

Attachment 7

Photos of Incident

1/25/19

Pipe in Lake Tahoe as reported by 3328 Edgewater Drive Homeowner



1/30/19

Looking west from MH1006 during active spill

1/30/19

MH1006 during active spill

2/6/19

Barge and excavator to begin repair

2/ 

February 7, 2019

Locating downstream end of broken sewer main

2/7/19

Boulder removal in pipe alignment

2/7/19

Driving pipe support pilings

2/8/19

Operating sewer bypass from MH1006

2/12/19

Securing risers raising MH 1006 24-inches to allow for bypass

2/7/19

Bypass discharge line from MH 1006 going up drainage by 3328 Edgewater Drive

2/1/19

Alternate bypass location upstream of MH 1006

Attachment B

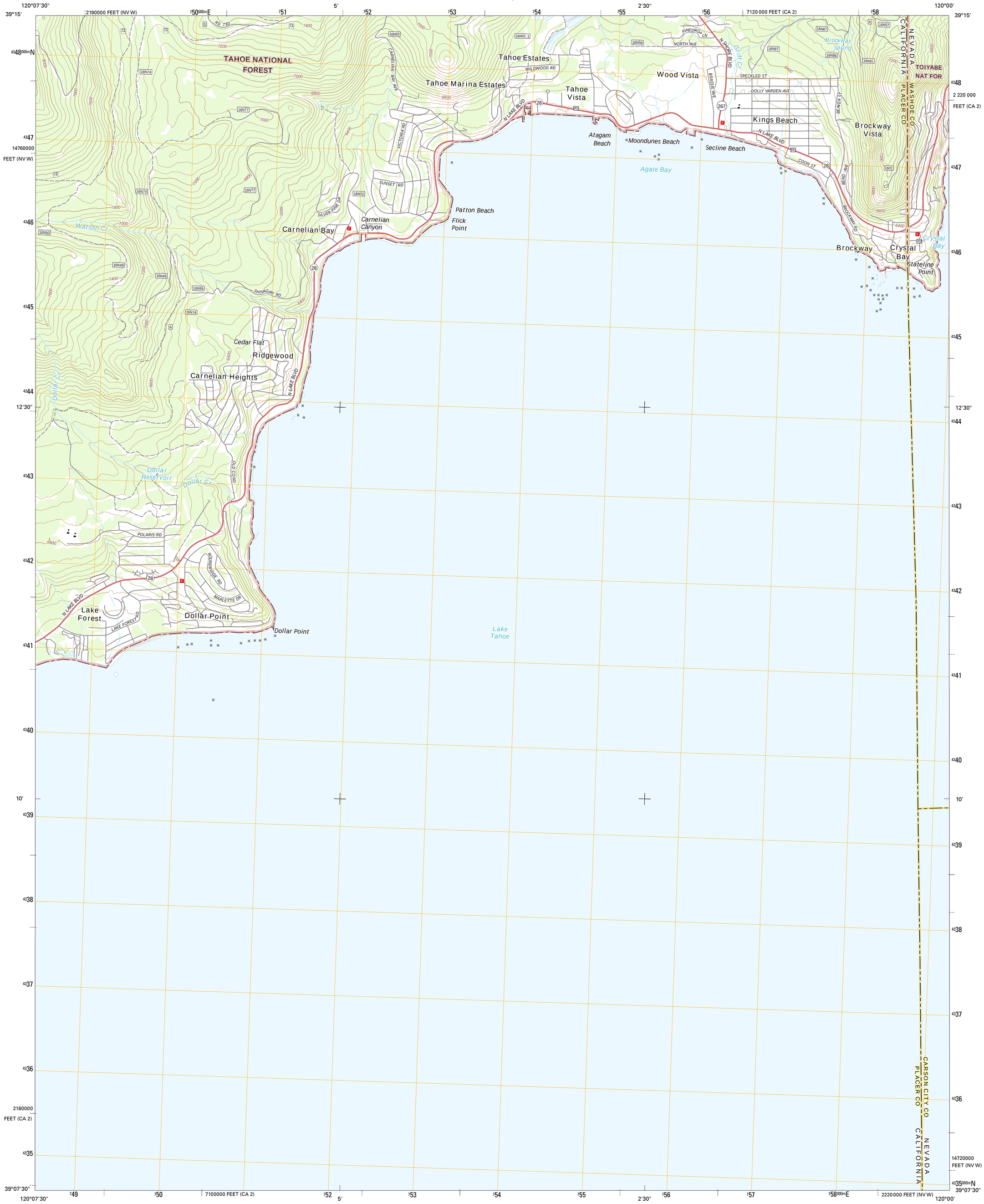
1. **USGS 7.5 Minute Series – Kings Beach Quadrangle (2015)**
2. **Tahoe City Public Utility District – Sewer Repair Project Area Map**

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

USGS science for a changing world

The National Map US Topo

KINGS BEACH QUADRANGLE
CALIFORNIA-NEVADA
7.5-MINUTE SERIES

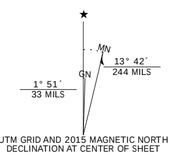


Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 10S
10 000-foot ticks: California Coordinate System of 1983 (zone 2),
Nevada Coordinate System of 1983 (west zone)

This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.

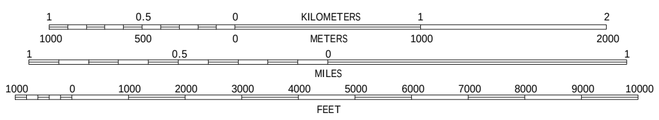
Imagery.....NAIP, July 2012 - July 2013
Roads..... HERE, ©2013 - 2014
Roads within US Forest Service Lands.....FSTopo Data with limited Forest Service updates, 2012 - 2015
Names.....GNIS, 2015
Hydrography.....National Hydrography Dataset, 2012
Contours.....National Elevation Dataset, 2013
Boundaries.....Multiple sources; see metadata file 1972 - 2015
Public Land Survey System.....BLM, 2011



UTM GRID AND 2015 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

U.S. National Grid
100,000-m Square ID
GJ
Grid Zone Designation
10S

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18

QUADRANGLE LOCATION

1	2	3
4		5
6	7	8

ADJOINING QUADRANGLES
1 Truckee
2 Martis Peak
3 Mount Rose
4 Tahoe City
5 Marlette Lake
6 Homewood
7 Meeks Bay
8 Glenbrook

ROAD CLASSIFICATION

Expressway
Secondary Hwy
Ramp
Local Connector
Local Road
4WD
Interstate Route
US Route
State Route
FS Primary Route
FS Passenger Route
FS High Clearance Route

Check with local Forest Service unit
for current travel conditions and restrictions.

KINGS BEACH, CA-NV
2015

NSN, 7643016356746
NGA REF NO. USGSX24K236222

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet

Document Path: C:\GIS\Jon\Jon_Border_8.5x11_Landscape.mxd Date: 3/19/2019 User Name: CFeizollahi

TAHOE CITY PUBLIC UTILITY DISTRICT

3288 EDGEWATER DRIVE
SEWER REPAIR PROJECT AREA

TAHOE CITY PUBLIC UTILITY DISTRICT
P.O. BOX 5249
TAHOE CITY, CA. 96145
(530) 583-3796

SHEET:
1

Attachment C

3. NV5 Geotechnical Field Reports (2 of 2)

4. Geological Map

Geotechnical Field Report

LEA #: 210

DSA File #:
DSA Appl #:

Project-Phase #: 41968.01	**Task #:** SA0160210	**Project Name:** TCPUD Edgewater Dollar Sewer Repair	**Date:** 2/6/19	**DFR #:** JKH001
Project Manager: JKH	**NV5 Rep.:** Victor Alaniz	**Project Location:** Edgewater Drive Dollar Point	**Day of Week:** Wednesday	**Weather: cold and windy**

Client (name, address): TCPUD	**Client's Representative (name, phone number):** Jon LeRoy and Sarah Hussong Johnson
General Contractor (name, address): Gensberg & Sons	**General Contractor's Representative (name, phone number):** John Reagan
Specialty Contractor: Pacific Built	**Specialty Contractor's Representative (name, phone number):** John Reagan

NOTES (Describe work completed during the day, any problems and their solutions):

Jake Hudson visited the site at about 12:30 pm to observe pipe pile driving along sanitary sewer line repair west of MH 1006. Met with John Reagan of Pacific Built Construction. The contractor was still positioning the barge and setting up the turbidity curtain (Photo 1). John said it would be a couple of hours until they started driving pipe piles. The contractor intends to use a vibratory driving head on an excavator to install piles. There is approximately 70 feet of pipe to replace. Due to the relatively flat slope on the sewer line, the piles need to be driven to a relatively precise elevation.

JKH observed the fabricated piles, which consisted of 4-inch diameter steel pipe with a flat plate welded to the top to bolt a hold-down strap to the pile (Photos 2 and 3). The total length is 7 feet. JKH departed the site and visited the TCPUD to briefly discuss the project with Jon LeRoy and Tony Laliotis.

Based on a review of the Geologic Map of North Lake Tahoe – Donner Pass Region, the site in underlain by volcaniclastic rocks of Skylandia consisting of welded basaltic ash and cinders that make up a small cone remnant along the shoreline at Lake Forest.

Photo 1 - Project site.

Technician Signature_____ Date_____ Certification_____

Geotechnical Field Report

Project # Task # **DFR #**

Photos 2 and 3 - Pipe Piles with ½-inch plate welded to top where hold-down strap will be bolted to hold pipe.

Technician Signature Jake Hudson Date 02/6/19

10775 Pioneer Trail, Suite 213 | Truckee, CA 96161 | www.NV5.com | office 530.587.5156 | fax 530.587.5196
Construction Quality Assurance - Infrastructure - Energy - Program Management - Environmental

Geotechnical Field Report

LEA #: 210

DSA File #:
DSA Appl #:

Project-Phase #: 41968.01	**Task #:** SA0160210	**Project Name:** TCPUD Edgewater Dollar Sewer Repair	**Date:** 2/7/19	**DFR #:** JKH002
Project Manager: JKH	**NV5 Rep.:** Victor Alaniz	**Project Location:** Edgewater Drive Dollar Point	**Day of Week:** Wednesday	**Weather: cold and windy**
Client (name, address): TCPUD		**Client's Representative (name, phone number):** Jon LeRoy and Sarah Hussong Johnson		
General Contractor (name, address): Gensberg & Sons		**General Contractor's Representative (name, phone number):** John Reagan		
Specialty Contractor: Pacific Built		**Specialty Contractor's Representative (name, phone number):** John Reagan		

NOTES (Describe work completed during the day, any problems and their solutions):

Jake Hudson visited the site at about 1:00 pm to observe pipe pile driving along sanitary sewer line repair west of MH 1006. The contractor has installed the turbidity curtain and was cleaning debris out of the downstream 8-inch asbestos concrete pipe and trying to install a cookie plug in the existing pipe (Photo 4).

The contractor was not driving production piles yet. However, they had driven a test pile and some soil remained in the tip of the pile. The soil appeared to be beach deposits and consisted of very dense fine to coarse grained sand. Apparently the test pile was driven about 3 feet into the dense sand and required vibration to remove.

JKH observed the volcaniclastic ash deposits exposed at the lake bottom and ss trench line excavation just outside of the turbidity curtain (Photo 5). The ash deposit consists of light brown to grayish pink matrix with white cinders, welded in a massive to moderately fractured, weak material. The weak rock mass should provide high uplift resistance for the pipe piles, assuming they can drive the piles into the ash material.

Tony Laliotis from TCPUD was on site and was informed of our observations and opinion concerning the high uplift resistance from the Skylandia Basaltic Ash.

Technician Signature_____Date_____Certification_____

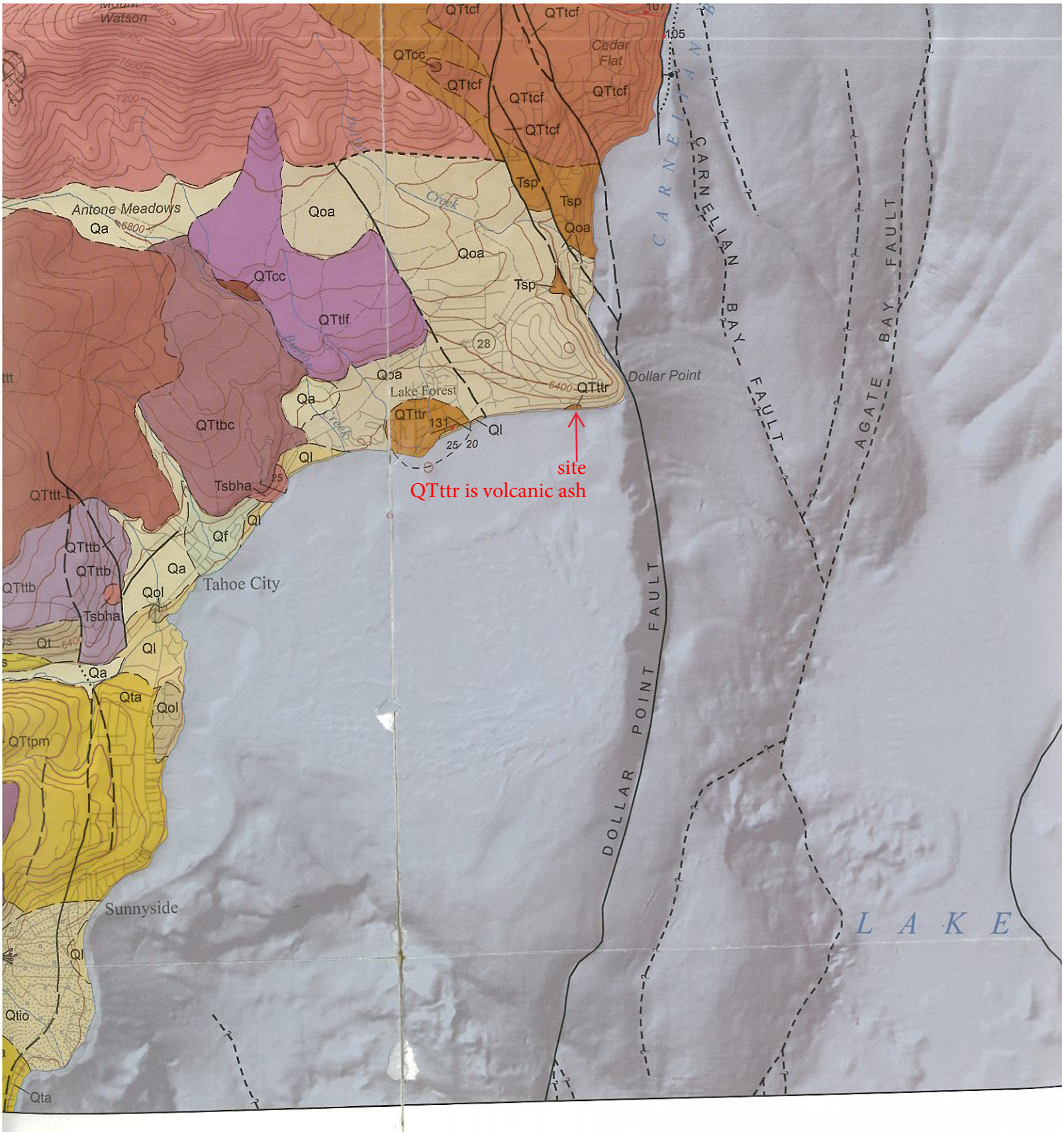
Geotechnical Field Report

Project # Task # **DFR #**

Photo 4 – Turbidity curtain around downstream end of pipe repair. .

Photo 5 – Trench excavation through volcanic ash.

Technician Signature Jake Hudson Date 02/7/19



3 4 MILES

5 KILOMETERS

Geology
Santa B
Sylveste
1993, 20
Schweic
Truckee

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

TAHOE-DONNER

Attachment D

RGP 8 - Violation of Compliance with Water Quality Standards Report

Report Type-4

February 13, 2019

REPORT AND NOTIFICATION COVER SHEET

Project: TCPUD Dollar Point/Edgewater Drive Emergency Sewer Repair

Enrollee: Tahoe City Public Utility District

Reg. Meas. ID: **Place ID:**

Order Effective Date:

Report Type Submitted

Part A – Project Reporting	
Report Type 1	☐ **Annual Report**
Part B - Project Status Notifications	
Report Type 2	☐ **Request for Notice of Project Complete Letter**
Part C - Conditional Notifications and Reports	
Report Type 3	☐ **Accidental Discharge of Hazardous Material Report**
Report Type 4	☒ **Violation of Compliance with Water Quality Standards Report**
Report Type 5	☐ **In-Water Work/Diversions Water Quality Monitoring Report**
Report Type 6	☐ **Transfer of Property Ownership Report**
Report Type 7	☐ **Transfer of Long-Term BMP Maintenance Report**

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Jon LeRoy	TCPUD Senior Civil Engineer
Print Name [1]	**Affiliation and Job Title**
Signature	2/13/19 **Date**

[1]STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

_____ Enrollee's Signature

_____ Date

***This Report and Notification Cover Sheet must be signed by the Enrollee or a duly authorized representative and included with all written submittals.**

Report Type 4

Violation of Compliance with Water Quality Standards Report

Tahoe City Public Utility District – Dollar Point/Edgewater Drive Emergency Sewer Repair

February 13, 2019

Location:

The location of discharge was along the shoreline of the Dollar Point community in Tahoe City, Ca. beginning near the eastern side property line at 3328 Edgewater Drive (APN: 093-094-042) and extending to western side property line of the same parcel. Coordinates of this location are approximately 39°11'06" North and 120°05'56" West.

The location is further identified on the attached plan sheet beginning at sewer manhole Sta: 17+76 to approximate Sta: 17+00 to the west (see attached location map on the plan cover sheet, and plan/profile sheet attached).

Background Description:

The contractor (Gensburg and Sons Inc.) employed by the TCPUD had previously mobilized (February 6th & 7th), installed the turbidity curtain and had partially installed two (2) of the anchor piers (out of an estimated 10 total) by the end of day Thursday, February 7, 2019. Contractor and TCPUD crews had also installed manhole riser rings on top of the existing flat top manhole to mitigate increasing Lake Tahoe water levels and provide additional protection and to fortify the sewer bypass system. The contractor had also completed rough excavation (12-24" depth) of the existing trench line for the sewer repair. Excavated material was placed adjacent and parallel to the trench alignment between the trench and the shoreline.

On Friday, February 8, 2019, at around 8:30 am the Contractor requested on onsite meeting to discuss the increasing wind levels and wave action. Tony Laliotis, Dan Lewis, and Jon LeRoy from the TCPUD met onsite and determined with the contractor that there was no safe means of protecting the construction equipment in place (barge, mini-excavator on barge, and LARK) for the weather event forecasted for February 9th thru February 11th and the decision was made to demobilize the equipment.

At 9:15 am that Friday, the contractor began towing their barge and equipment away from the construction site. At approximately the same time, Tony Laliotis from the TCPUD spoke with Elizabeth Van Diepen from the North Basin Regulatory Unit of the Lahontan Regional Water Quality Control Board. Tony discussed and informed Elizabeth that the turbidity curtain would be unprotected from the wind and wave actions (due to removal of the barge) and that it would likely be torn apart, washed on shore, or out into the Lake. The decision was made to remove the turbidity curtain.

Turbidity Discharge:

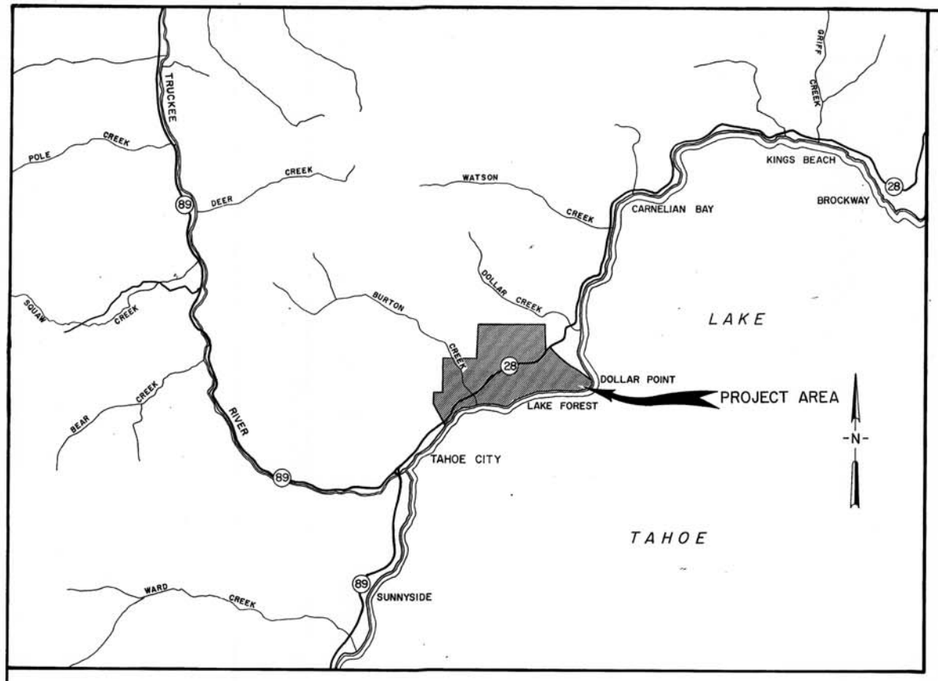
At 12:30 pm that Friday, the contractors' LARK returned to the site and began dismantling the turbidity curtain. The curtain was completely removed and the contractor demobilize at 1:45 pm. Due to wave action, turbidity readings were not taken at any time that Friday. The turbid waters contained by the curtain at the construction site were discharge to the surrounding waters at approximately 12:45 pm to 1:30 pm. The primary cause of the turbidity release was caused by work during a period of high winds.

District staff maintained and continues to operate the sanitary sewer bypass 24/7. No discharge of sanitary sewer occurred during the previous weather event and no further discharges of sewer are anticipated.

Remobilization and Future Repair Work:

On Tuesday, February 12th, the TCPUD installed a jobsite trailer along Edgewater Drive to house staff for an extended period of by-pass operations. District staff and the contractor believe that it will take 3-4 consecutive days to remobilize, re-install the turbidity curtain, and complete the sewer pipe repair. The TCPUD will suspend construction work until such time as a forecast of 5-7 days with low winds and no weather events can be made. Notifications will be sent prior to any planned remobilization.

Attachments:
Sewer Assessment District No. 4 (Cover Sheet and Location Map)
Sewer Assessment District No. 4 (Sheet 20, Lateral A, Plan/Profile)



LOCATION MAP

SCALE IN MILES

½ 0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT

TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR

SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F. BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding
STANLEY J. SPALDING, R.E. #14,928

APPROVED: W. B. Layton Jr.
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL

SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

REVISION	DATE	DESCRIPTION	BY	APPD

SUBMITTED Stanley J. Spalding
APPROVED _____

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
INDEX AND LOCATION MAP

DATE	SHEET NO.
MAY 1967	1
CHKD	DRWN

OBSERVATION DRIVE

DARDANELLES AVE.

EDGEWATER DRIVE

LAKE TAHOE

1+91 = 10+89 EDGEWATER DR.

1+66

SEE SH. 23 FOR SEWER AND WATER

M.H. BY SCHEDULE VI CONTRACTOR. SEE DETAIL ON SH. 22.

SERVICE POLE WITH METER, DISCONNECT & ALARM LIGHT. EXACT LOCATION TO BE DETERMINED BY POWER CO. POLE AND EQUIP. TO BE SUPPLIED BY SCH. V CONTRACTOR.

P.M.S. DRIVE GARBAGE RACK

FOR PROFILE OF FORCE MAIN, SEE SH. 19.

1½" CONDUIT W/ 4-#4
¾" CONDUIT W/ 2-#12
¾" CONDUIT W/ PULL WIRE ONLY BY SCH. V CONTRACTOR.

4" FORCE MAIN BY SCH. II CONTRACTOR

PROVIDE THRUST BLOCK AT FITTING. MIN. BEARING AREA 1.5 SQ. FT./UNDISTURBED EARTH

0+08 LIMIT OF WORK

SCH. V

SEE SH. 19

0+00 V FORCE MAIN

PREFABRICATED PUMP STATION NO. 1, SEE SH. 79, SCHEDULE V.

M.H. & STUB BY SCH. II CONTRACTOR.

8+25

M.L. 8+00

R = 400'
Δ = 20°

R = 200'
Δ = 8°

R = 500'
Δ = 18°

R = 500'
Δ = 12°

9+95 B.C.

9+95

11+36 E.C.

13+42 B.C.

13+70 E.C.

13+70

14+29 B.C.

15+83 E.C.

18+48 B.C.

19+53 E.C.

32 33 34 35 36 37 38 39 40 41 42 43 44 45 A 46 47 48

SEE NOTE 3 & 6

21+87

SEE SH. 21

SOUTH P.L. OF DOLLAR POINT UNIT NO. 1

EMERGENCY REPAIR AREA

17+76

R = 400'
Δ = 6° 30'

11+91 B.C.

12+36 E.C.

NOTE: 1. B.L. = SEWER LINE.
2. SEE NOTE 2 ON SH. 21.
3. SEE NOTES 4 & 6 ON SH. 19.
4. ALL MANHOLES ON THIS SHEET SHALL HAVE FLEXIBLE JOINTS.
1 5. RIM ELEV. OF ALL M.H.'S TO BE 6" BELOW EXISTING GROUND. M.H. RIMS TO BE COVERED WITH SIMILAR MATERIALS AS EXISTING AT M.H. LOCATION.
3 6. CAST IRON PIPE SHALL BE USED IN PLACE OF THE PLASTIC LINED A.C.P. BETWEEN STA. 20+28 ± 6' AND 21+87. CAST IRON PIPE SHALL CONFORM WITH SECT. 102(L) OF THE SPECIFICATIONS; AND RUBBER GASKET JOINTS EQUAL TO THE "TYTON" JOINT SHALL BE USED. PROVIDE A JOINT WITHIN 1' FROM THE MANHOLE WALL. H.S. FOR LOT 47 SHALL BE CAST IRON, WITH NORTH END OF H.S. BEING A PLAIN END. PROVIDE A CAP. CONNECTION TO A.C.P. TO BE MADE WITH A SMITH BLAIR TRANSITION COUPLING #433.

SCH. II & V

6235 30 25 20 15 6210

8+25 6" DIA. SPECIAL M.H. (SEE DETAIL SH. 19)

9+95 6" DIA. SPECIAL M.H. (SEE DETAIL SH. 19)

13+70 4" DIA. SPECIAL M.H. (SEE DETAIL SH. 19)

17+76 4" DIA. SPECIAL M.H. (SEE DETAIL SH. 19)

H.S. INV. EL. 24.5

25' ~ 8" | 170' ~ 8" | 385' ~ 8" | 406' ~ 8" | 411' ~ 6"

S = .0055 | S = .0035 | S = .0035 | S = .0280

20.46 | 20.61 (GR.) | 20.86 | 21.05 | 22.36 | 23.78 | 24.58 | 29.87

A.C.P. PLASTIC LINED CLASS 3300
SPECIAL TEST SECTION

24.56 24.50 24.47 24.47 24.89 25.04 25.21 25.40 25.62 25.86 26.13

19+50 +60 +70 +80 +90 20+00 +10 +20 +30 +40 +50

100' V.C.

AS BUILT

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

REVISION	DATE	DESCRIPTION	BY	APPD.
3	4-20-68	ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+66. NOTE 6 ADDED.	R.C.L.	S.J.S.
2	10-18-67	ALIGNMENT CHANGE BETWEEN STA. 19+97 & 21+66.	R.C.L.	S.J.S.
1	8-2-67	PUMP STATION & FORCE MAIN MOVED. ALIGNMENT CHANGE AT STA. 13+70 & BETWEEN STA. 20+20 & 21+66.	R.J.A.	S.J.S.

DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS — SACRAMENTO, CALIFORNIA

DRAWN: R.D.G.
CHECKED: S.J.S.
SUBMITTED: Stanley J. Spalding
APPROVED:

DATE: MAY 1967

SCALE:
HORIZONTAL 1" = 50'
VERTICAL 1" = 5'

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

SHEET NO. 20

Attachment E

1. **Turbidity Logs (February 6th, 2019 thru February 7th, 2019)**
2. **Turbidity Logs (March 13th, 2019 thru March 19th, 2019)**

2-6-19

0959 - 0.61 NTU Pre-Construction.

After turbidity blanket installation.

1521 1.62 NTU @ blanket
1.28 NTU 100' due West

2-7-19

0756 0.57 NTU @ blanket

0800 0.54 NTU 100' due West

1055 0.75 NTU @ blanket
0.40 NTU 100' due West

1405 3.32 NTU @ blanket
0.66 NTU 100' due West
9.99 inside blanket area

3-13-19

1000 - Pre-construction - .75 NTU

1120 - After Blanket Install

- 1.15 NTU @ blanket

1121 - 0.93 NTU 100' due West

Construction

1244 - 1.62 NTU @ blanket

- 1.15 NTU 100' due west

- 43.5 NTU inside blanket

1539 - 7.32 NTU @ blanket

- 6.41 NTU 100' due West

- 44.6 NTU inside blanket

3-14-19

0606 - 1.20 NTU @ blanket

- 1.18 NTU 100' due west

- 5.58 NTU inside blanket

1015 - 2.03 NTU @ blanket

- 1.20 NTU 100' due West

- 8.02 NTU inside blanket

- 0.85 NTU @ blanket

12:02
- 0.56 NTU 100' due west
- 14.0 NTU inside blanket

2:40
- 1.05 NTU @ blanket
- 0.64 NTU 100' due west
- 12.5 NTU inside blanket

3:50
- 1.12 NTU @ blanket
- 0.99 NTU 100' due west
- 15.2 NTU inside blanket

3-15-19

8:21
- 1.02 NTU @ blanket
- 0.90 NTU 100' due west
- 1.83 NTU inside blanket

10:07
- 1.15 NTU @ blanket
- 1.12 NTU 100' due west
- 1.85 NTU inside blanket

2:16
- 0.78 NTU @ blanket
- 0.56 NTU 100' due west
- 4.20 NTU inside blanket

4:20
- 0.83 NTU @ blanket
- 0.67 NTU 100' due west
- 5.37 NTU inside blanket

3-16-19

7:54
- 0.58 @ Blanket
- 0.53 100' due West
- 0.97 inside Blanket

9:46
- 0.58 @ Blanket
- 0.40 100' due West
- 8.13 inside Blanket

11:56
- 1.11 @ Blanket
- 0.63 100' due West
- 33.2 inside Blanket

3-19-19

Before Pulling Blanket

9:25
- 0.89 @ Blanket
- 0.79 100' due West
- 0.90 inside Blanket

Attachment F

TCPUD – Dollar Pt./Edgewater Drive

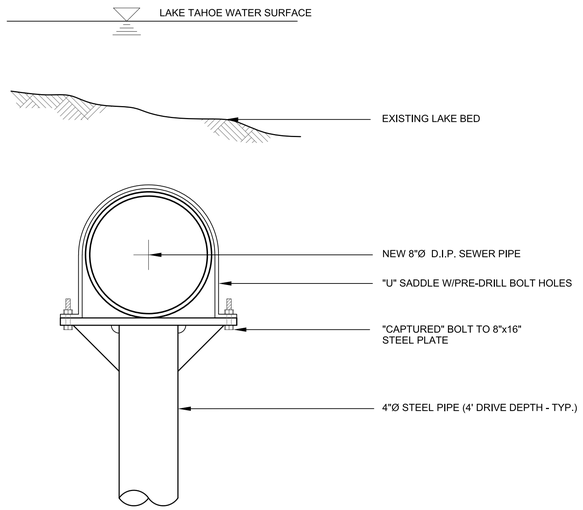
Emergency Sewer Repair

As-Built (plan/profile)

March 20, 2019

2019 TCPUD - DOLLAR PT. / EDGEWATER DR. EMERGENCY SEWER REPAIR

VICINITY MAP



PIPE ANCHOR DETAIL

N.T.S.

LEGEND

- 6245 / 6246 — INDEX CONTOUR W/ ELEV. / INTERMEDIATE CONTOUR W/ ELEV.
- EDGE OF PAVEMENT
- TP-1 ELEV — CONTROL/TRAVERSE POINT
- PROPERTY LINE
- EASEMENT LINE
- ROCK RIPRAP
- ROCKERY WALL
- TURBIDITY CURTAIN
- X — FENCE
- SS — SEWER

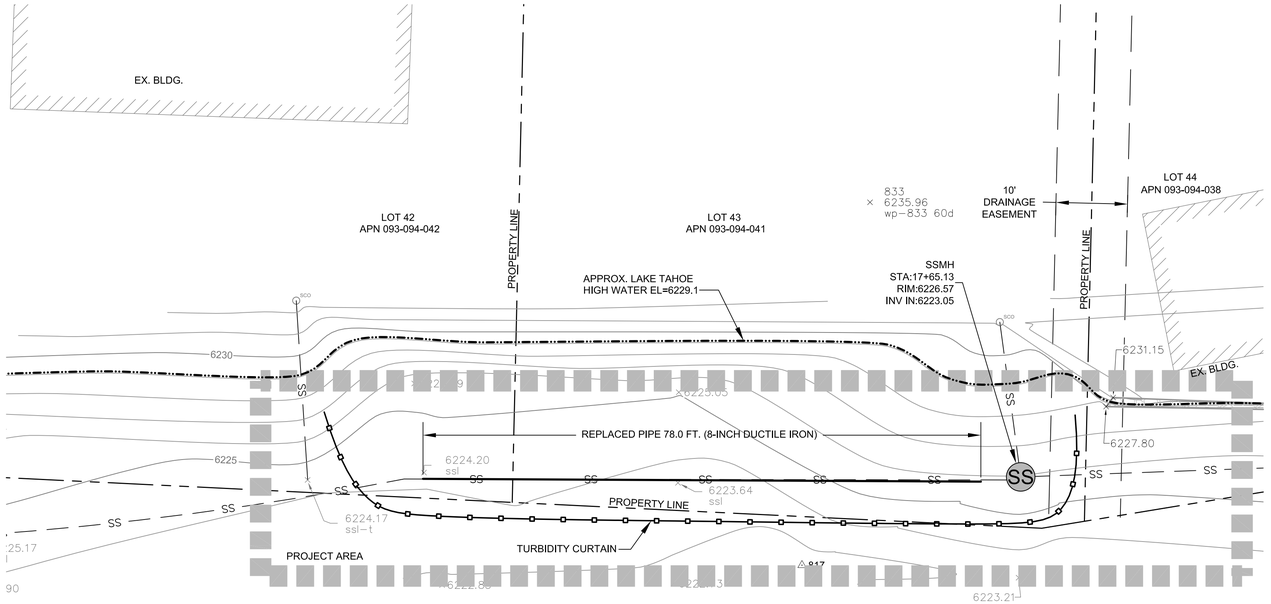
DATUM INFO

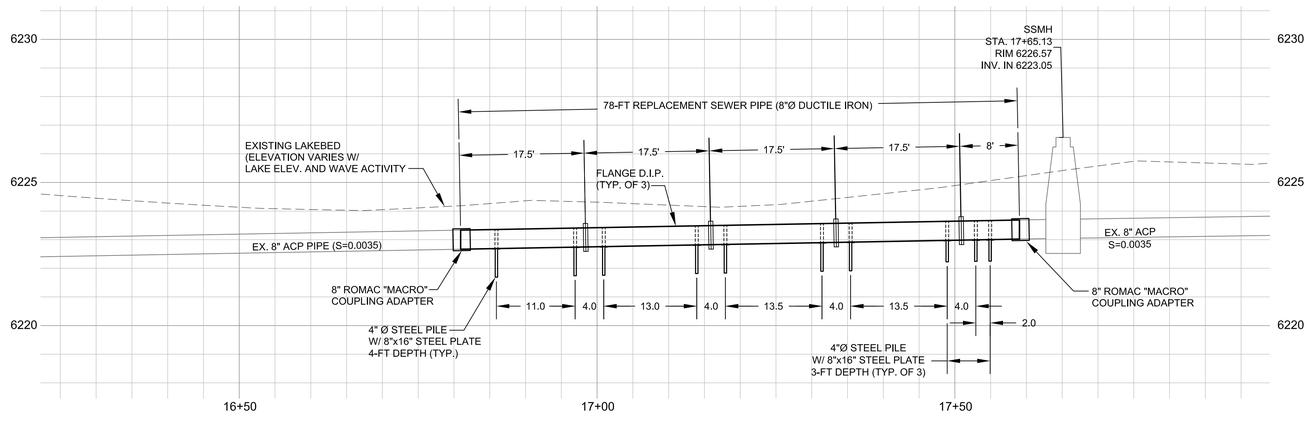
HORIZONTAL DATUM

HORIZONTAL DATUM IS CALIFORNIA STATE PLANE COORDINATE SYSTEM ZONE II NAD83 (1991.35). DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MEAN COMBINATION FACTOR (CF): 0.99962
TO CONVERT GROUND TO GRID ... MULTIPLY BY CF

VERTICAL DATUM

THE ELEVATIONS FOR THIS PROJECT ARE BASED UPON NGVD 29 DATUM, DEFINED BY BENCHMARK D 491 (PID KS0312), ELEV = 6477.51, LOCATED 2.5 MILES NORTHEAST ALONG STATE HIGHWAY 28 FROM THE POST OFFICE AT TAHOE CITY, AT THE T JUNCTION OF FABIAN WAY LEADING WEST, IN THE TOP OF AN 8' x 12' LAVA OUTCROP WHICH PROJECTS ABOUT 3 FEET ABOVE THE GROUND, 216 FEET NORTHWEST OF THE CENTER LINE OF HIGHWAY 28, 91 FEET SOUTHWEST OF AND ACROSS THE ROAD FROM POWER LINE POLE 2210, 38 FEET SOUTH OF THE CENTERLINE OF THE ROAD, 21 FEET WEST OF A 36 INCH PINE TREE, AND ABOUT 4 FEET HIGHER THAN THE ROAD.





PROFILE VIEW 1" = 10' (H)
1" = 2.5' (V)

GRAPHIC SCALE
10 0 5 10
1 INCH = 10 FEET

REV	DATE	REVISIONS	INITIAL

Tahoe City Public Utility District
221 Fairway Drive P.O. Box 5249 Tahoe City, Ca. 96145

TCPUD - DOLLAR PT. / EDGEWATER DR. EMERGENCY SEWER REPAIR

AS-BUILTS

PLACER COUNTY
CALIFORNIA
TAHOE CITY

BAR IS ONE INCH ON ORIG. DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

PROJECT NUMBER:	8331
SURVEY BY:	AEC
SURVEY DATE:	2/2019
DESIGN BY:	TL/JL
DRAFTING BY:	JL
CHECKED BY:	TL

FILE PATH: EDGEWATER REPAIR - AS-BUILT.DWG

DATE: 3/20/19

SCALES:
1"=10' HORIZONTAL
1"=10' VERTICAL

SHEET: 1
1 of 1

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A