
North Coast Regional Water Quality Control Board

May 13, 2013

Mr. Charlie Fielder, District 1 Director
California Department of Transportation
P.O. Box 3700
Eureka, CA 95501-3700

Dear Mr. Fielder:

Subject: Notice of Violation

File: Highway 1 - Greenwood Creek Bridge Replacement Project
WDID No. 1B03100WNME

Introduction

On June 19, 2012, a team from the United States Environmental Protection Agency (U.S. EPA) and North Coast Regional Water Quality Control Board (Regional Water Board) conducted an inspection of the Caltrans Highway 1 – Greenwood Creek Bridge Replacement Project. The primary focus of the inspection was to conduct a U.S. EPA audit of compliance with the State Water Resources Control Board (SWRCB) Order 2009-0009 DWQ, Construction General Permit (CGP). A copy of the U.S. EPA inspection report is provided in Attachment A. In addition, Regional Water Board staff evaluated the site for compliance with the Clean Water Act Section 401 Water Quality Certification (401 Certification). Numerous violations associated with both the CGP and 401 Certification were noted during the inspection. While the paperwork and reporting requirements for the CGP and 401 Certification were in order, the site itself was out of compliance with several conditions including, but not limited to: improper and ineffective best management practices (BMPs), lack of BMPs, and discharges of waste to unpermitted areas. There were eleven violations of the CGP, and seven conditions of the 401 Certification were violated, some multiple times.

Additional violations of the 401 Certification and CGP occurred during the rain event from November 28 to December 5, 2012. During this event, small stream flood advisories were in effect throughout the region; however, heavy equipment, tools, a portable toilet, and other materials were left in the flood plain and inundated by flood level flows. These

violations were confirmed based on verbal notification and the December Monthly Monitoring Report.

CGP Risk Level 2 (Attachment D) Violations:

This project is a Risk Level 2, and the requirements in Attachment D to the CGP apply.

Requirement: CGP Section B. Good Site Management “Housekeeping”
Provision 1. e. Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.

Violations: Off site tracking of debris. See Images 1 and 2.

Requirement: CGP Section B. Good Site Management “Housekeeping”
Provision 3. a. Prevent oil, grease, and fuel to leak in to the ground, storm drains or surface waters.

Violations: Leaking equipment and inadequate BMPs to contain leaks. See Images 3, 4, and 5.

Violation: Leaving heavy equipment, tools, a portable toilet, and other materials in the floodplain during flood flows in December 2012. See December Monitoring Report.

Requirement: CGP Section B. Good Site Management “Housekeeping”
Provision 3. c. Clean leaks immediately and dispose of leaked materials properly.

Violation: Leak not contained and not cleaned up. See Image 5.

Requirement: CGP Section B. Good Site Management “Housekeeping”
Provision 5. a. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.

Violation: Drilling slurry conveyance, which was not identified in the Storm Water Pollution Prevention Plan (SWPPP). See Image 6.

Requirement: CGP Section E. Sediment Controls
Provision 3. Additional Risk Level 2 Requirement: Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction

Violations: Ineffective and inadequate BMPs. See Images 1, 2, and 7 through 12.

401 Certifications WDID No.1B03100WNME Violations:

Requirement: 401 Certification Condition 4. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited, and all proposed revegetation and mitigation being completed, in strict compliance with the applicant's project description, as approved herein, and b) compliance with all applicable water quality requirements and water quality control plans including the requirements of the Basin Plan, and amendments thereto.

Violation: The temporary impacts to waters of the state associated with the access road were applied for and permitted to be less than 50 feet wide, as seen on the Caltrans prepared Greenwood Creek Resources Impacts Map, dated December 2010. The access road was more than 55 feet wide in multiple locations. Additionally, there were several instances where the ESA fence was breached or ignored and silt and slash were deposited beyond the BMPs.

Violation: As permitted, the temporary stream crossing was permitted to be less than 25 feet wide, and the riparian vegetation removed was at least 30 feet wide.

Requirement: 401 Certification Condition 8. Caltrans shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to the contractor, all subcontractors, and all utility companies conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor, subcontractors, or utility companies.

Violation: Neither Caltrans staff nor the contractor were aware of this condition, nor was a copy of the Order on-site or in their files.

Requirement: 401 Certification Condition 12. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification. BMPs for erosion, sediment, turbidity and pollutant control shall be implemented and in place at commencement of, during, and after any ground clearing activities, construction activities, or any other project activities that could result in erosion, sediment, or other pollutant discharges to waters of the State. The BMPs shall be implemented in accordance with the Caltrans Construction Site Best Management Practice Manual (CCSBMPM) and all contractors and subcontractors shall comply with the CCSBMPM. In addition, BMPs for erosion and sediment control shall be utilized year round, regardless of season or time of year. Caltrans shall stage erosion and sediment control materials at the work site. All BMPs shall be installed properly and in accordance with the manufacturer's specifications. If the project Resident Engineer elects to install alternative BMPs for use on the project, Caltrans shall submit a proposal to Regional Water Board staff for review and concurrence.

Violation: As indicated in several attached images and on-file, many of the BMPs throughout the site were inadequate, improperly installed, ineffective and sometimes omitted; including:

- a. Inadequate construction site entrance resulting in tracking;
- b. Unswept road and concrete debris;
- c. Unprotected slopes near both ends of the bridges with lack of erosion or sediment controls;
- d. Inadequate or overloaded silt fences along access road, adjacent to creek (south side), adjacent to creek (north side), south side of project and north side of project;
- e. Encroachment onto Environmentally Sensitive Area (ESA) fencing, place slash and silt beyond the fence at two locations;
- f. Containment for generator was inadequate and resulted in release of fluids; and
- g. Dewatering pump in the coffer dam.

Requirement: 401 Certification Condition 15. Caltrans is prohibited from discharging waste to waters of the State, unless explicitly authorized by this Order. For example, no debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, welding slag, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into waters of the State. In addition, none of the materials listed above shall be placed within 150 linear feet of waters of the State or where the materials may be washed by rainfall into waters of the State.

Violation: Silt, slash, and bark were deposited over the ESA and silt fences in several locations throughout the site.

Violation: Heavy equipment, tools, a portable toilet, and other materials were left in the floodplain, and inundated, during flood flows in December 2012.

Requirement: 401 Certification Condition 18. Caltrans shall submit, subject to approval by the Regional Water Board staff, a dewatering and/or diversion plan that appropriately describe the dewatered or diverted areas and how those areas will be handled during construction. The diversion/dewatering plans shall be submitted no later than 30 days prior to conducting the proposed activity. Information submitted shall include the area or work to be diverted or dewatered and method of the proposed activity. All diversion or dewatering activities shall be designed to minimize the impact to waters of the State and maintain natural flows upstream and downstream. All dewatering or diversion structures shall be installed in a manner that does not cause sedimentation, siltation or erosion upstream or downstream. All dewatering or diversion structures shall be removed immediately upon completion of project activities. The in-channel work will only be conducted between May 15 and October 15. This Water Quality Certification does not authorize Caltrans to draft surface waters.

Violation: The plan submitted to and approved by Regional Water Board staff did not include the use of a PVC water line that crossed the creek for dewatering and did not include the lines that traverse the bridge that contain the drilling fluids. The PVC and drill fluid lines are potential pollutant sources that were not identified in SWPPP or dewatering plans.

Requirement: 401 Certification Condition 20. Caltrans shall implement appropriate BMPs to prevent the discharge of equipment fluids to the stream channel. The minimum requirements will include: storing hazardous materials at least 150 linear feet outside of the stream banks; checking equipment for leaks and preventing the use of equipment with leaks; pressure washing or steam cleaning equipment to remove fluid residue on any of its surfaces prior to its entering any stream channel in a manner that does not result in a discharge to waters of the State.

Violation: The dewatering pump, on the southern portion of the site, was placed within the coffer dam without containment. The generator, bobcat, CAT and other equipment were stored within the riparian area and less than 100 feet from flowing water. Caltrans submitted a list of equipment and materials to be exempt from this condition subsequent to the inspection and briefing, but the exemption was not approved due to risk to water quality.

Violation: Heavy equipment, tools, a portable toilet, and other materials were left in the floodplain, and inundated, during flood flows in December 2012.

Summary and Conclusions

The records review of the inspection conducted on June 19, 2012 indicated that Caltrans and the contractor have done a good job at the administrative paper work side of project implementation. However, many BMPs were damaged, ineffective, or omitted. Communication was effective for the project, with positive interactions during and after the inspection. There were no significant discharges or level 1 violations noted on June 19, 2012; however, this site does pose a threat to water quality if not properly stabilized prior to and during the rainy season. The poor site maintenance and implementation of permit conditions may lead to water quality problems at this site, if these issues are not corrected. To date, Caltrans has taken action on a punch list of items that were noted during the inspection conducted on June 19, 2012 and shared this effort with Regional Water Board staff.

The mistakes made with the December 2012 flood event indicates a lack of preparation, which increases the risk of discharge to waters of the State. Regional Water Board staff acknowledges prompt notification and accurate reporting on the behalf of Caltrans. However, a pattern of good paperwork, but lack of follow-through with effective BMPs

continues on this site. Emphasis on planning, scheduling and effective implementation of BMPs is strongly recommended.

Regional Water Board staff is planning follow-up inspections. If systematic policies and practices addressing these types of violations were supported by Caltrans management and put into place in the environmental and construction divisions, and implemented onsite, we are certain these types of violations would diminish. We look forward to your response and assisting your agency in bringing these programs and projects into compliance.

If you have any questions regarding this matter, please contact Mark Neely at (707) 576-2689 or Mark.Neely@waterboards.ca.gov or Mona Dougherty at (707) 570-3761 or Mona.Dougherty@waterboards.ca.gov

Sincerely,

Fred J. Blatt
Division Chief
Nonpoint Source and Timber Harvest

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Certified-Return Receipt Requested

Attachments A U.S. EPA Inspection Report
B Images from June 19, 2012 Inspection

cc:

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