



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 4, 2010

Ms. Laurie Berman
District Director
California Department of Transportation (Caltrans)
District 11
4050 Taylor Street
San Diego, CA 92110

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7009 3400 0015 9997 1139

In reply refer to:
212814:dquach

**RE: NOTICE OF VIOLATION NO. R9-2010-0036 &
REQUIRED TECHNICAL REPORT, STATE HIGHWAY 52 and 67
CONNECTION CONSTRUCTION SITE**

Dear Ms. Berman,

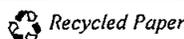
Enclosed is **Notice of Violation (NOV) No. R9-2010-0036** for the subject site. The violations specified were identified during a site inspection on January 20, 2010. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address violations not already corrected.

Pursuant to California Water Code (CWC) section 13267 and 13383, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) directs you to submit a **Required Technical Report (RTR)** received at the San Diego Water Board no later than **5:00 PM, Friday, March 19, 2010**. The RTR is required due to the violations noted in the enclosed NOV and will be reviewed to assess the need for further possible enforcement actions. The RTR shall contain:

1. An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System or Water of the United States and what immediate steps were taken to stop the illegal discharge.
2. A Site Status Report Section including photo-documentation of implementation of the Storm Water Pollution Prevention Plan (SWPPP), including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.

3/10/10

California Environmental Protection Agency



All reports submitted pursuant to this letter shall be signed by either a principal executive officer, executive director or a duly authorized representative of that person as described in Other Provision M.10 of Order No. 99-06-DWQ. Any person signing a report submitted pursuant to this letter shall make the following certification:

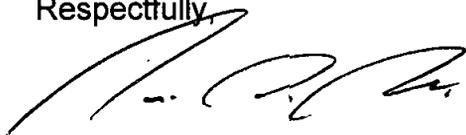
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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 for knowing violations.

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence, please include this code in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Dat Quach at (858) 467-2978 or dquach@waterboards.ca.gov.

Respectfully,



James Smith
Assistant Executive Officer

DTB:DQ

Enclosure: Notice of Violation No. R9-2010-0036
Facility Inspection Report, January 20, 2010

CC via email: Greg Gholson, US EPA Region 9, U.S. EPA
Constantne Kontaxis, CALTRANS, San Diego

01-01-10



California Regional Water Quality Control Board

San Diego Region



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March 4, 2010

IN THE MATTER OF:

Ms. Laurie Berman)
District Director)
California Department of Transportation)
(Caltrans))
District 11)
4050 Taylor Street)
San Diego, CA 92110)

NOTICE OF VIOLATION
NO. R9-2010-0036
EA No.
11-2T0104 and 11-2T004

In reply refer to:
212814:dquach

NPDES Permit No. CAS000003, SWRCB Order 99-06-DWQ

Subject Site: State Highway 52 and 67 Connection

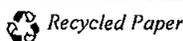
YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-06-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000003, Statewide Storm Water Permit, and Waste Discharge Requirements (WDRs) for State of California, Department of Transportation (Caltrans). Order No. 99-06-DWQ requires Caltrans to comply with SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity*. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

BACKGROUND

On January 20, 2010, Mr. Dat Quach of the San Diego Water Board conducted an inspection of subject site and observed, documented, and photo-documented evidence of alleged violations indicated in the attached Facility Inspection Report (FIR) incorporated herein by reference. Tom Blackwood, Mike Moen, Scott Mahoney, Steve Fordham, Roger Morris, Yi Pan of Caltrans were present during this inspection on January 20, 2010.

California Environmental Protection Agency



Summary of Violations:

I. FAILURE TO PREVENT PROHIBITED DISCHARGES

➤ Pursuant to Water Quality Order No. 99-08-DWQ Section A.2:

- Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

Observations:

1. Sediment was discharged to street from failing/inadequate sediment control BMPs; (See Images IMG P0053, and P0057 of the attached FIR)
2. Evidence of sediment discharged to MS4 system was observed at many storm drain inlets at the construction sites (north and south of the 52 construction site). These inlets have some sediment control BMPs (sand bags) but they were inadequate to prevent the discharge of sediment into the MS4 system. (See Image IMG P0044, P0050, and P0051 of the attached FIR)

II. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES

➤ Pursuant to Water Quality Order NO. 99-08, Section A.6 and A.8:

- At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. Sediment controls are required at appropriate locations along the site perimeter and at all operational inlets during the rainy season. BMPs to reduce the tracking of sediment onto public or private roads shall be implemented at all times.

Observations: Inspection of the site reveals many slope areas lacked adequate erosion and sediment control BMPs (See Image IMG P0038, P0039, P0044, P0045, P0046, P0048, P0050, P0051, P0053, and P0057 in the attached FIR)

Questions pertaining to the issuance of this Notice of Violation should be directed to Dat Quach at (858) 467-2345 or Dquach@waterboards.ca.gov.



David Barker
Supervising Engineer

3/4/2009
DATE

CHONG

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED MANAGEMENT PROGRAM

FACILITY INSPECTION REPORT

INSPECTION DATE: January 20, 2010 TIME: 9:30 AM WDID: 11-2T004 and 11-2T0104

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Tom Blackwood, Mike Moen, Scott Mahoney, Steve Fordham, Roger Morris, Yi Pan

CALTRANS
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE Tom Black wood (760) 594-7533
OWNER CONTACT NAME AND PHONE #

CALTRANS 52 and 67 Projects
FACILITY OR DEVELOPER NAME (if different from owner) Same as above
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

52 and 67 HW
FACILITY STREET ADDRESS Santee, CA
FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION
- CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 ___ "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 v "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 ___ Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 ___ Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 ___ Complaint--Inspection made in response to a complaint.
- 05 ___ Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 ___ No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 ___ Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
- 08 ___ Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

- Y Were violations noted during this inspection? (Yes/No/Pending Sample Results)
- N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:
No violation found in SWIM

~~CHEN 10/10~~

FACILITY: CALTRANS 52 and 67 Highway (WDID) None INSPECTION DATE: 01/20/2010

II. FINDINGS

1. SWPPP on site but it needs to be updated because of lacking pre and post inspection reports of rain event;
2. Inspection of the site reveals many slopes areas lacking erosion control BMPs and BMPs for sediment control are not adequate; (See Image IMG P0038, P0039, P0044, P0045, P0046, P0048, P0050, P0051, P0053, and P0057)
3. Sediment was discharged to street either by failing/inadequate sediment control BMPs; (See Images IMG P0053, and P0057)
4. Evidence that the sediment was discharged to MS4 system. Many storm drain inlets are right in the middle of the construction sites (north and south of the 52 construction site) and these storm drain inlets had some forms of sediment control BMB such as sand bag; however, there were evidence that sediment passed the BMPs and got into the MS4 system. (See Image IMG P0044, P0050, and P0051)
5. Many slopes appear not having any erosion BMPs. CALTRANS indicated that all slopes have been sprayed with some kinds of erosion protection BMPs before the rain, however, the rain was too heavy and washed away the erosion protection. (see Image IMG P0048)
6. CALTRANS failed to provide an effective combination of erosion and sediment control BMPs in many areas in their construction site. To prevent further sediment discharges, CALTRANS should installed erosion BMPs and strengthened sediments BMPs in these areas immediately.
7. To help CALTRANS evaluate its own BMPs, DTQ suggested that CALTRANS should collect the samples of storm water at these storm drain inlets to evaluate the erosion and sediment control BMPs in this area. However, CALTRANS stated that the contract it has does not allow them to do so.

III. SIGNATURE SECTION

Dat Quach



1/20/10

STAFF INSPECTOR

SIGNATURE

INSPECTION DATE

STAFF INSPECTOR

SIGNATURE

INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor:



Date

2/8/10

cc: Jeremy Johnstone (EPA), John Norton (SWRCB), City

Storm Drain Enforcer

Inter-office Referral: 1) _____

2) _____

3) _____

4) _____

5) _____

C:\My Documents\FORMS\Inspection Report.doc(vrs. 04/30/01)

LIS

~~SECRET~~

Image IMG P0038 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: construction site lacking erosion BMPs, sediment BMPs is not adequate, signs of erosion occurred



11-2T0104

Image IMG P0039 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on
01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: construction site lacking erosion BMPs, sediment
BMPs is not adequate, signs of erosion occurred.



M-0-0-0

Image IMG P0044 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010

Site: CALTRANS HW 52 and 67

Location: San Diego County

Image shows: construction site lacking erosion BMPs, sediment BMPs is not adequate, signs of discharging sediment to MS4

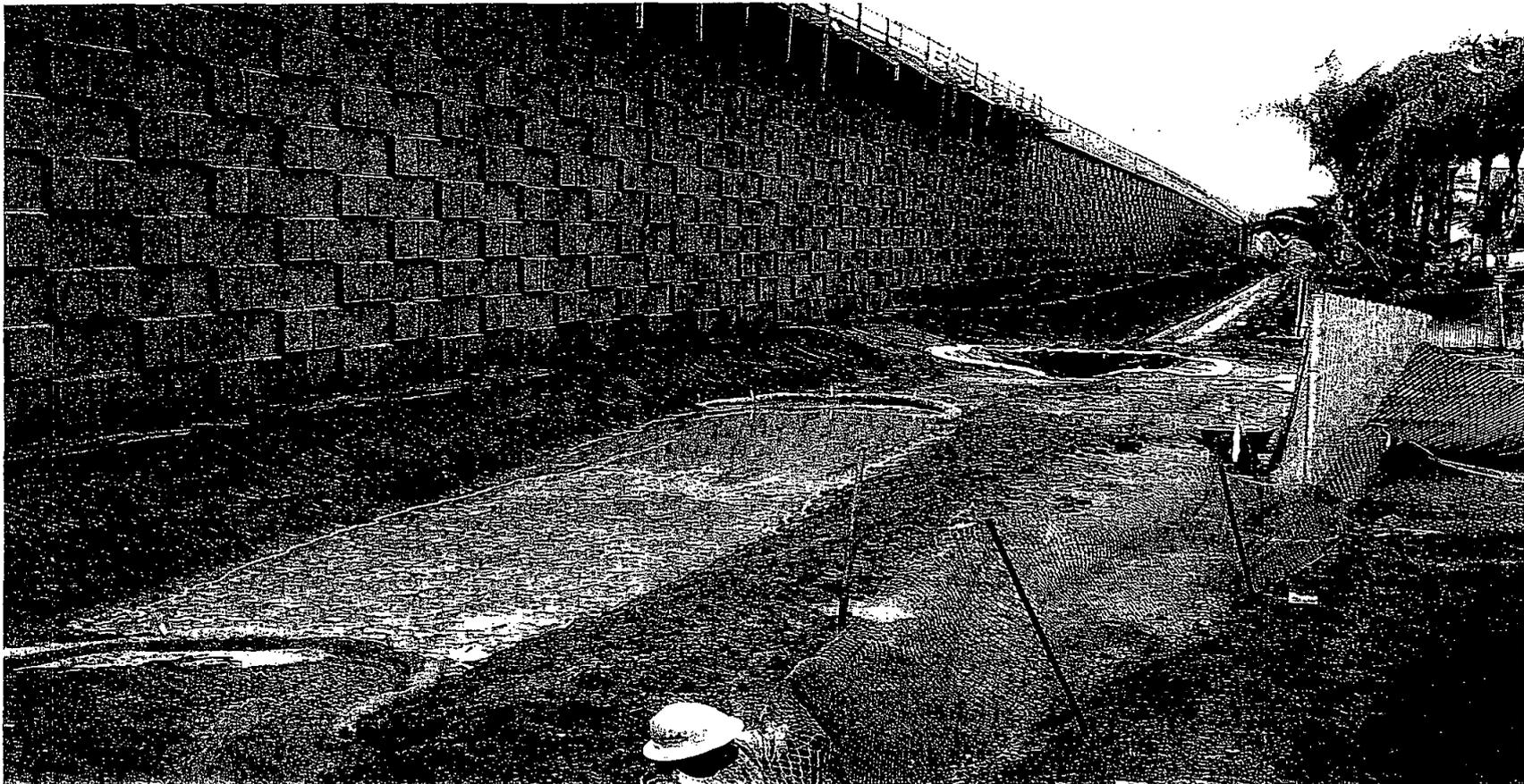
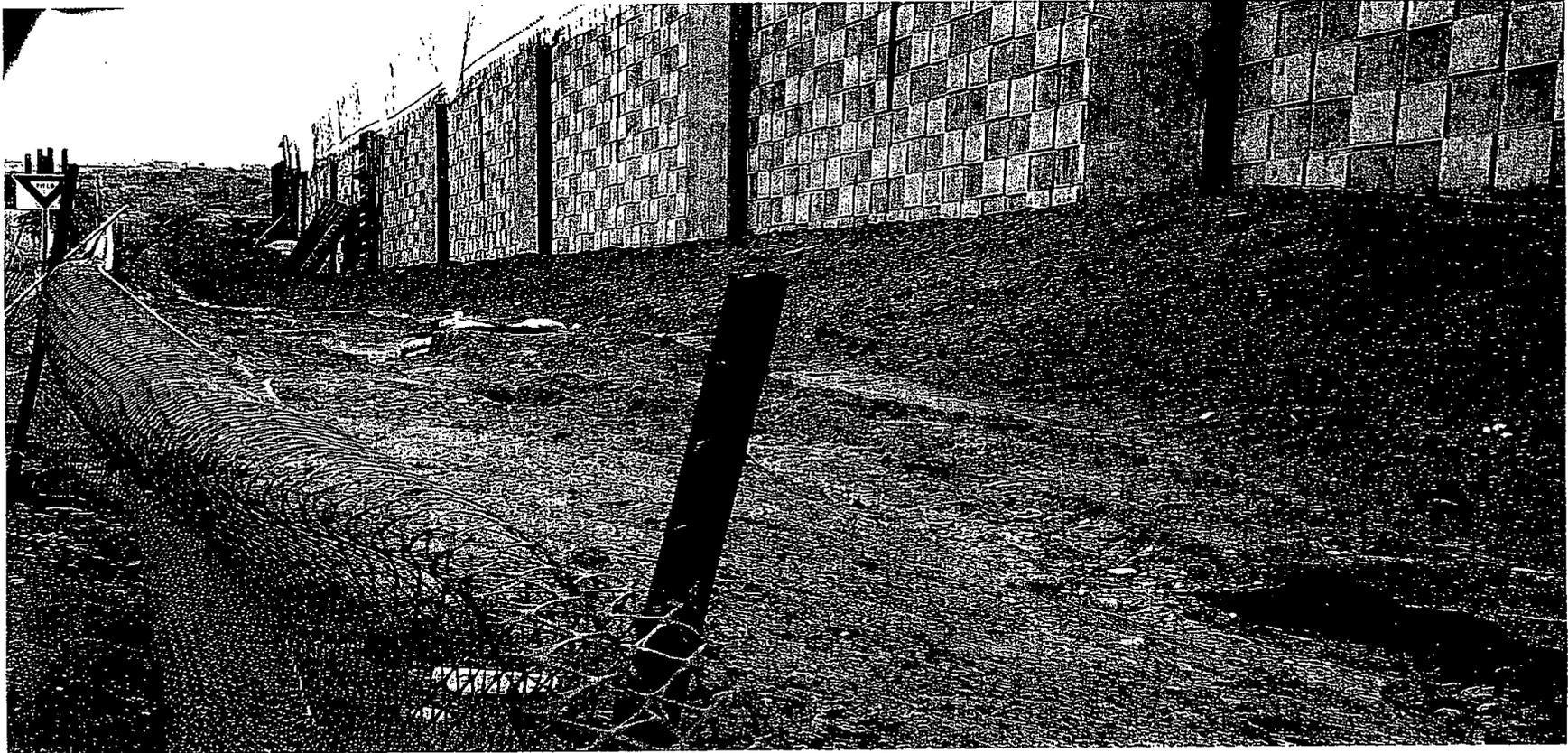


Image IMG P0045 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: construction site lacking erosion and sediment BMPs



W/0

Image IMG P0046 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on
01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: construction site lacking erosion and sediment
BMPs



14/0

Image IMG P0048 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: slope lacking erosion BMPs and sediment BMPs. CALTRANS stated that this slope was sprayed with erosion BMP prior to the rain

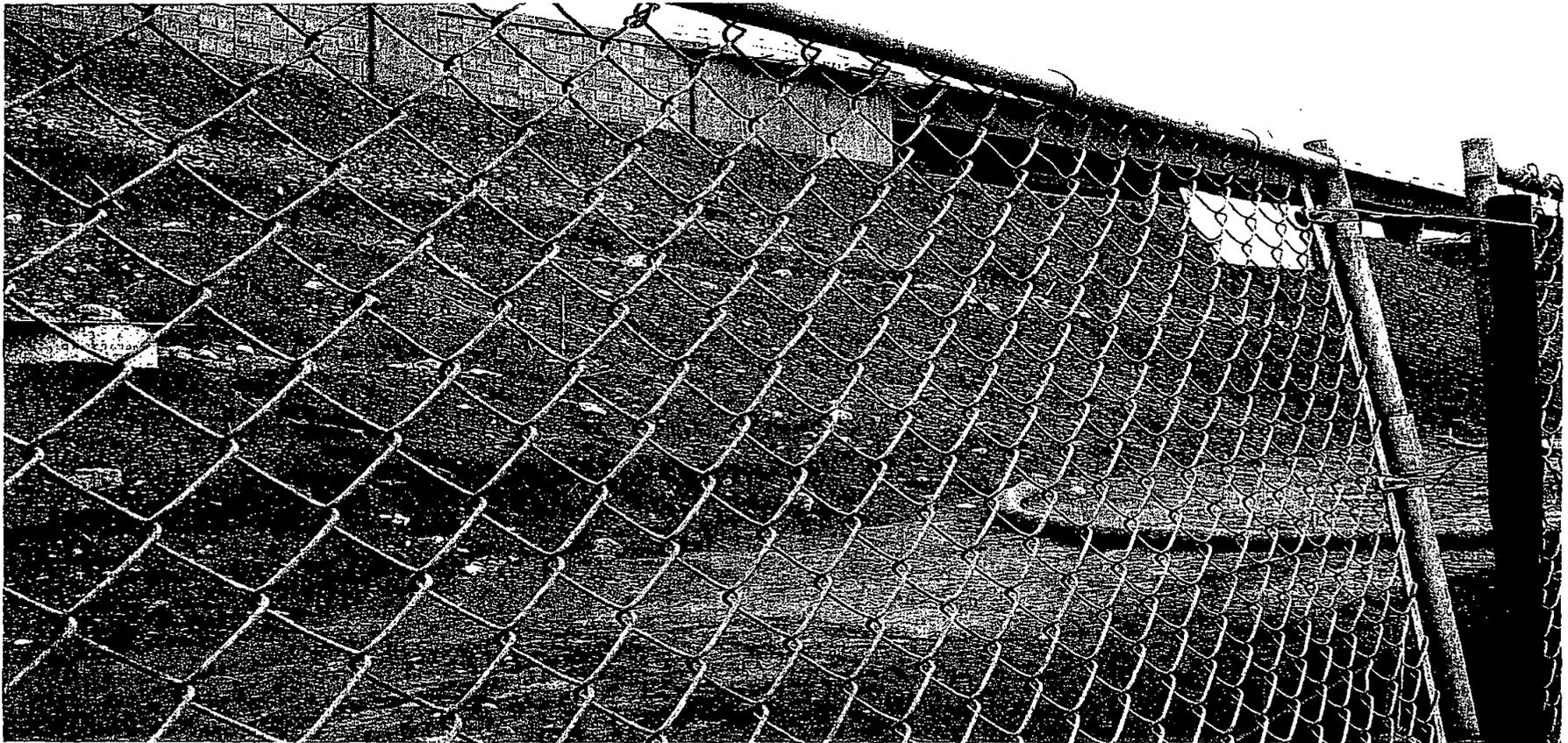


Image IMG P0050 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: construction site lacking erosion BMPs, sediment BMPs is not adequate, signs of discharging sediment to storm drain inlet



Image IMG P0051 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010
Site: CALTRANS HW 52 and 67
Location: San Diego County
Image shows: even though this site has been cleaned up, the sign of sediment at the iron grills indicated that sediment was discharged to the MS4 storm drain inlet during the rain

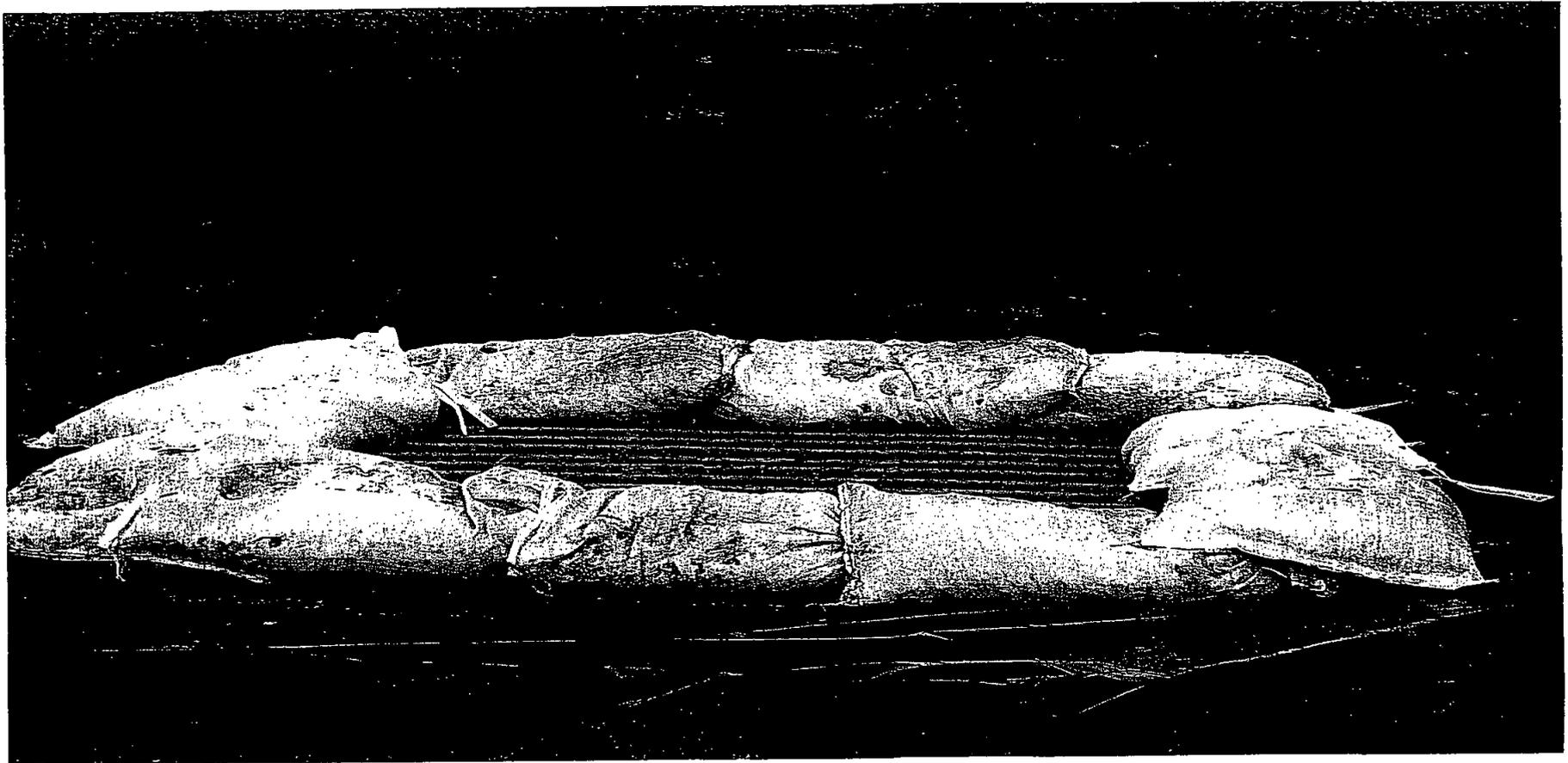


Image IMG P0057 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010

Site: CALTRANS HW 52 and 67

Location: San Diego County

Image shows: Sediment leaving the construction site and discharged to the street

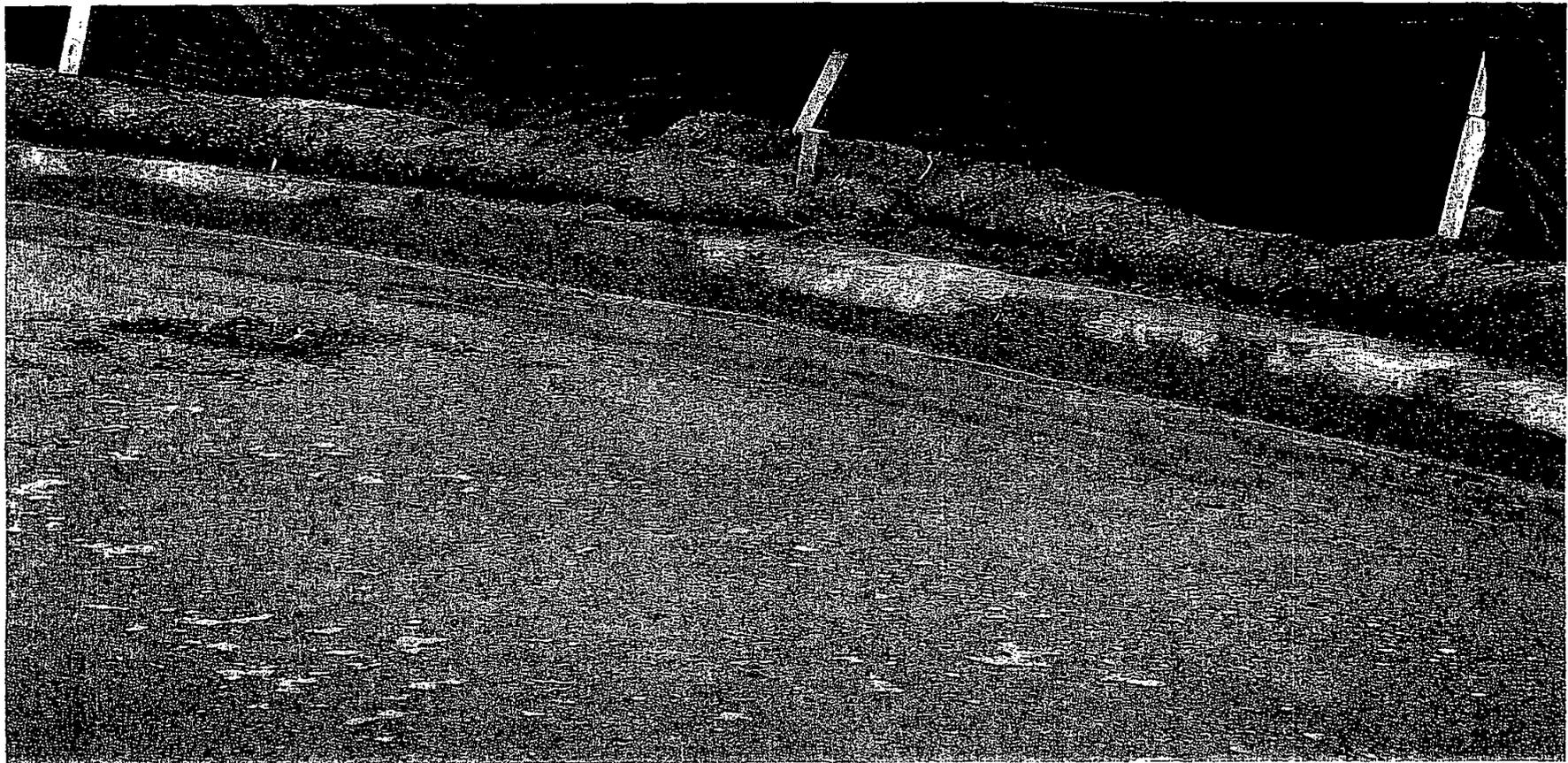


Image IMG P0053 CALTRANS 11-2T004 and 11-2T0104
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-20-2010

Site: CALTRANS HW 52 and 67

Location: San Diego County

Image shows: construction site lacking erosion BMPs, sediment BMPs is not adequate, signs of erosion of slope occurred, and sediment discharged to street



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Laurie Berman
4050 Taylor St.
San Diego, CA
92110

2. Article Number
(Transfer from service label)

7099 3400 0015 9997 1139

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS
FOLD AT DOTTED LINE
CERTIFIED MAIL



7099 3400 0015 9997 1139
7099 3400 0015 9997 1139

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CERTIFIED MAIL RECEIPT
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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Laurie Berman
Street, Apt. No., or PO Box No.
4050 Taylor Street
City, State, ZIP+4
San Diego, CA 92110

PS Form 3800, February 2000 See Reverse for Instructions
PS Form 3800, February 2000 See Reverse for Instructions

67-0110-11