



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

March 18, 2016

Certified Mail- Return Receipt Requested

Article Number: 7011 0470 0002 8961 9016

Mr. Kenny Mah
California Department of Transportation, District 11
4050 Taylor Street, Suite 220
San Diego, CA 92110

In reply refer to:
730465:ACali

Subject: Notice of Violation No. R9-2016-0034, California Department of Transportation, District 11, Buckman Springs Safety Roadside Rest Area, San Diego County

Mr. Mah

Enclosed is Notice of Violation (NOV) No. R9-2016-0034 issued to the California Department of Transportation, District 11 for violations of Water Code section 13267 and Order No. R9-2009-0105,¹ *Waste Discharge Requirements for the California Department of Transportation, District 11, Buckman Springs Safety Roadside Rest Area, San Diego County.*² As described in the NOV, the violations are subject to further enforcement pursuant to the Water Code. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any further enforcement action authorized by law.

To avoid further enforcement action by the San Diego Water Board for the violations identified in Order No. R9-2016-0034, CalTrans shall ensure compliance with all conditions of Order No. R9-2009-0105 and MRP No. R9-2009-0105. The next monitoring report required to be submitted is the 2016 annual monitoring report, which is due **January 30, 2017.**

Please submit all future responses to the San Diego Water Board by email. Email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **730465:ACali**), and be sent via email to sandiegowaterboard.ca.gov. Information required by this NOV should be mailed to sandiego@waterboards.ca.gov. Routine email correspondence, however, may be sent to individual San Diego Water Board staff members.

¹ As amended by Order No. R9-2011-0043

² Order No. R9-2009-0105 available online at:
http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2009/R9-2009-0105.pdf

If you have any specific questions about email submittals procedures, please contact our Mission Support Unit staff Ms. Cleo Munoz at 619-521-3384 or cleo.munoz@waterboard.ca.gov. Questions concerning the NOV should be directed to Mr. Alex Cali at 619-521-3355, or at Alex.Cali@waterboards.ca.gov.

Sincerely,

for Julie Chan, P.G, Chief
Groundwater Protection Branch

JAC:jro:ac

- Enclosure: 1) NOV for Buckman Springs Safety Roadside Rest Area
- 2) Copy of Order No. R9-2009-0105

| Tech Staff Info & Use | |
|-----------------------|------------------------|
| Order No. | R9-2009-0105 |
| Party ID | 7549 |
| Reg. Measure ID | 370081 |
| NOV Reg Measure ID | 404426 |
| Violations ID | 999089, 999090, 999091 |
| Place ID | 730465 |

NOTICE OF VIOLATION

No. R9-2016-0034

California Department of Transportation
District 11
4050 Taylor Street Suite 220
San Diego, CA 92110

Violations of Order No.
R9-2009-0105

March 18, 2016

The California Department of Transportation District 11 (hereinafter the Discharger or CalTrans), is the owner of the Buckman Springs Safety Roadside Rest Area (Facility). The Discharger is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The Discharger is in violation of Water Code section 13267, Order No. R9-2009-0105,¹ *Waste Discharge Requirements for the California Department of Transportation, District 11, Buckman Springs Safety Roadside Area, San Diego County*, and Monitoring and Reporting Program (MRP) No. R9-2009-0105 of the same title. The violations described below were identified after a request for information was made regarding past annual monitoring reports from the Discharger. The request for information was made after a September 16, 2015 meeting to discuss upgrades to the Facility with CalTrans and the San Diego Water Board staffs.

A. Summary of Violations

1. Failure to Submit Reports

Section C.8 of Order No. R9-2009-0105 requires the Discharger to comply with MRP No. R9-2009-0105, and so submit monitoring reports at the intervals specified in the MRP Order. Section G of MRP No. R9-2009-0105 requires the Discharger to submit annual monitoring reports. The San Diego Water Board records indicate that the Discharger has failed to submit the required annual monitoring reports since the Facility reopened in July 2011. Specifically, the Discharger failed to submit the annual reports for years 2012, 2013, and 2014. Failure to submit the required reports constitutes a violation of Section C.9 of Order No. R9-2009-0105, Section G of Monitoring and Reporting Program Order No. R9-2009-0105, and Water Code section 13267.

2. Failure to Monitor – Effluent Monitoring

MRP No. R9-2009-0105 requires the Discharger to conduct quarterly monitoring of the restroom septic tank effluent and the recreational vehicle septic tank effluent for the constituents specified in Tables 2 and 3 respectively. The results of the monitoring are required to be reported annually in the Annual Monitoring

¹ As amended by Order No. R9-2011-0043.

Report which is due January 30 of the following year. Failure to monitor and report effluent monitoring results constitutes a violation of Sections B.1 and G of MRP No. R9-2009-0105 and Water Code section 13267. Failure to monitor the effluent from the treatment system is a violation of Section C.8 of Order No. R9-2009-0105, which requires the Discharger to comply with MRP No. R9-2009-0105 and to submit monitoring reports at the intervals specified in the MRP Order.

3. Failure to Monitor – Groundwater Monitoring

MRP No. R9-2009-0105 requires the Discharger to conduct quarterly groundwater monitoring for the constituents specified in Table 4. The results of the monitoring are required to be reported annually in the Annual Monitoring report which is due January 30 of the following year. Failure to monitor and report ground water monitoring results constitutes a violation of sections C and G of MRP No. R9-2009-0105 and Water Code section 13267. Failure to monitor the groundwater is a violation of Section C.8 of Order No. R9-2009-0105, which requires the Discharger to comply with MRP No. R9-2009-0105 and to submit monitoring reports at the intervals specified in the MRP Order.

During a meeting with the San Diego Water Board staff, CalTrans informed the staff how the monitoring of effluent and groundwater required by Section C.8 of Order No. R9-2009-0105 and MRP No. R9-2009-0105 was not conducted for the years 2012, 2013, and 2014. As such, CalTrans is unable to correct these violations. However, the most recent monitoring data for 2015 and the required report were submitted to the San Diego Water Board. To avoid further enforcement action on these violations by the San Diego Water Board, CalTrans shall ensure compliance with all conditions of Order No. R9-2009-0105 and MRP No. R9-2009-0105. The next monitoring report required to be submitted is the 2016 annual monitoring report, which is due **January 30, 2017**.

B. Summary of Potential Enforcement Options

The violations cited above may subject the Discharger to additional enforcement by the San Diego Water Board or State Water Resources Control Board. Water Code section 13350 provides that any person who intentionally or negligently violates any Waste Discharge Requirements issued, or amended by the San Diego Water Board, is subject to administrative civil liability of up to \$100 per day of violation if no discharge occurs. Water Code section 13268 further provides that failure or refusal to submit technical reports required by this Order is subject to a potential civil liability assessment of up to \$1,000 per day of violation and/or any of the following enforcement actions:

| Other Potential Enforcement Options | Applicable Water Code Section |
|-------------------------------------|-------------------------------|
| Technical or Investigative Order | Sections 13267 or 13383 |
| Cleanup and Abatement Order | Section 13304 |
| Cease and Desist Order | Sections 13301-13303 |

| Other Potential Enforcement Options | Applicable Water Code Section |
|-------------------------------------|-------------------------------|
| Time Schedule Order | Sections 13300, 13308 |
| Administrative Civil Liability | Sections 13265, 13323 |

In addition, the San Diego Water Board may refer the matter to other resource agencies, refer the matter to the State Attorney General for injunctive relief, or refer the matter to the municipal or District Attorney for criminal prosecution.

Please submit all responses to the San Diego Water Board by email.² The email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **730465:ACali**), and be sent via email to sandiego@waterboards.ca.gov. Information required by Order No. R9-2009-0105 should be emailed to sandiego@waterboards.ca.gov. Routine email correspondence, however, may be sent to individual San Diego Water Board staff members. If you have any specific questions about email submittal procedures please contact our Mission Support Unit, Ms. Cleo Munoz in at 619-521-3384 or cleo.munoz@waterboards.ca.gov.

In the subject line of any response, please include the reference code **730465:ACali**. If you have any questions or require additional information, please contact Mr. Alex Cali at 619-521-3355, or at Alex.Cali@waterboards.ca.gov.

John K. Ochet

for

Julie Chan, P.G., Chief
Groundwater Protection Branch
JAC:jro:ac

| Tech Staff Info & Use | |
|-----------------------|------------------------|
| Reg. Measure ID | 370081 |
| NOV Reg Measure ID | 404426 |
| Place ID | 730465 |
| Violations ID | 999089, 999090, 999091 |
| Order No. | R9-2009-0105 |

² See public notification on electronic reporting on-line at:
http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf

| | |
|-------------------------------|-------------------------------------|
| Applicable Water Code Section | Other Potential Enforcement Options |
| Sections 13300, 13308 | Time Schedule Order |
| Sections 13265, 13323 | Administrative Civil Liability |

In addition, the San Diego Water Board may refer the matter to other resources agencies, refer the matter to the State Attorney General for injunctive relief, or refer the matter to the municipal or District Attorney for criminal prosecution.

Please submit all responses to the San Diego Water Board by email. The email submitter must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: 730465:ACall), and be sent via email to sandiego@waterboards.ca.gov. Information required by Order No. R9-2009-0192 should be emailed to sandiego@waterboards.ca.gov. Routine email correspondence, however, may be sent to individual San Diego Water Board staff members. If you have any specific questions about email submital procedures please contact our Mission Support Unit, Mr. Clec Munoz at 619-521-3354 or clec.munoz@waterboards.ca.gov.

In the subject line of any response, please include the reference code 730465:ACall. If you have any questions or require additional information, please contact Mr. Alex Call at 619-521-3355, or at Alex.Call@waterboards.ca.gov.

Julie Chan

Julie Chan, P. G., Chief
Groundwater Protection Branch
LACWA

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|-----------------------|----------------------|
| Order No. | R9-2009-0192 |
| Violation ID | 990080 990090 990091 |
| Facility ID | 730465 |
| NOV Reg Measure ID | 404438 |
| Reg. Measure ID | 370081 |
| Tech Staff Info & Use | |