SUP. DOC. #4

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CEASE AND DESIST ORDER NO. 2001-198

CALIFORNIA DEPARTMENT OF TRANSPORTATION

San Joaquin Hills Transportation Corridor (SR-73)

The California Regional Water Quality Control Board, San Diego Region (hereinafter SDRWQCB) finds that:

1. The California Department of Transportation (Caltrans) owns and maintains the San Joaquin Hills Transportation Corridor (SR-73) located in southwest Orange County.

2. Caltrans discharges storm water and non-storm water runoff from the portion of SR-73 located within the San Diego Region; these are discharges regulated by waste discharge requirements currently contained in Order No. 97-08, NPDES No. CAS029998.

3. The State Water Resources Control Board has directed the SDRWQCB to rescind Order No. 97-08 and regulate Caltrans under statewide waste discharge requirements for the discharge of storm water and non-storm water for Caltrans municipal activities (highway systems), industrial activities (maintenance yards), and construction activities (construction projects) contained in Order No. 99-06-DWQ, of the State Water Resources Control Board (NPDES No. CAS000003).

4. The present and threatened violations of SDRWQCB Order No. 97-08 noted in this order are analogous to violations of the newly enforceable SWRCB Order No. 99-06-DWQ. Upon rescission of SDRWQCB Order No. 97-08, Caltrans will be in violation of the provisions of the statewide permit.

5. Caltrans has failed to use reasonable care to properly maintain and operate the twenty Compost Storm Water Filters (CSF units) that were installed along the portion of SR-73 within the jurisdiction of the SDRWQCB as the primary structural best management practice (BMP) for removal of pollutants in storm water runoff.

6. While CSF units can be effective in reducing many targeted pollutants in highway runoff, they require conscientious routine maintenance to function properly. Maintenance and repair of the CSF units including, but not limited to the following is necessary to restore these CSF units to their proper functioning:

    a. The removal of trash and debris from filter surface and sediment forebay.
    b. The removal of vegetation growing in compost media.
    c. The removal of sediment covering compost media to restore a high infiltration capacity.
    d. The replacement of compost media/ filter material as necessary to restore a high infiltration capacity.
    e. The removal of trash, debris and excess sediment from sedimentation basins associated with the CSF units.

f. The repair of any structural failures of the CSF units (e.g. baffles, energy dissipaters).

7. By failing to adequately maintain the twenty CSF units, Caltrans has caused and threatens to cause discharges of pollutants which have not been reduced to the Maximum Extent Practicable (MEP), violating **General Discharge Prohibition A.2** of SDRWQCB Order No. 97-08, and **General Discharge Prohibition A.1** of SWRCB Order No.99-06-DWQ.

8. Due to the lack of adequate maintenance of the CSF units, Caltrans is in violation of **Standard Provision M.5** of SDRWQCB Order No.97-08, and **Provision M.4 of** SWRCB Order No.99-06-DWQ. Caltrans has failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by Caltrans to achieve compliance with the conditions of these orders.

9. Due to the lack of adequate maintenance of the CSF units, Caltrans has violated and continues to violate **Storm Water Discharge Specification C.1** of SDRWQCB Order No. 97-08 by failing to implement controls to reduce the discharge of pollutants to the MEP from Caltrans owned right-of-ways to waters of the United States.

10. By failing to adequately maintain the primary treatment BMPs on SR-73 Caltrans threatens to violate **General Discharge Prohibition A.4 of Order No. 97-08**and **General Discharge Prohibition A.3 of Order No. 99-06-DWQ** by potentially contributing to pollution, contamination or nuisance conditions in waters of the United States.

11. In establishing the directives specified in this Cease and Desist Order, this Regional Board considered a report from Caltrans that the CSF units may increase concentrations of nutrients (Nitrates, Nitrites, TKN, total & dissolved phosphorus) in the discharge and may not be an appropriate treatment technology for the SR-73. Further investigation of the CSF units pollutant removal capabilities are needed to ascertain whether the benefits derived from implementation of this treatment device outweigh the possible problems associated with the export of nutrients.

12. The SDRWQCB has notified Caltrans and interested agencies and persons of its intent to issue this Order and has provided them with the opportunity for a public hearing and to submit their written views and recommendations.

13. The SDRWQCB, in a public hearing, heard and considered all comments pertaining to this matter.

14. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13301, the California Department of Transportation shall cease and desist from violating and threatening to violate RWQCB Order No. 97-08, and SWRCB Order No. 99-06-DWQ and shall comply with the following directives:

A. DIRECTIVES

1. Caltrans shall begin corrective action forthwith on all detention basins and CSF units along SR-73 located within SDRWQCB jurisdiction, to achieve compliance with Order No. 99-06-DWQ.

2. By August 31, 2001, Caltrans shall submit to the SDRWQCB a tentative schedule for the timely completion of the repairs to the detention basins and CSF units, or the replacement of these structures with a suitable alternative treatment BMP, along SR-73 within SDRWQCB jurisdiction.

3. Caltrans shall develop and implement an inspection and maintenance program for all detention basins and CSF units located within SDRWQCB jurisdiction. This inspection and maintenance program will be implemented forthwith. At a minimum all detention basins and CSF units within the jurisdiction of the SDRWQCB shall be inspected monthly. Minor and major maintenance of BMPs shall be performed as needed to ensure their proper functioning. All inspection and maintenance activities shall be documented.

4. By October 30, 2001, Caltrans shall submit a water quality monitoring plan to this Regional Board that satisfies the following requirements:

   a. Determine the quality of highway runoff from SR-73.
   b. Determine the ability of the CSF units & detention basins to remove pollutants of concern from runoff from SR-73.
   c. Determine if the CSF units are contributing excess nutrients, resulting in the impairment of water quality and beneficial uses of receiving waters associated with SR-73.

   At a minimum, the plan shall include the monitoring of influent and effluent discharges from CSF units within the jurisdiction of the SDRWQCB. The influent and effluent from the CSF units shall be monitored for but not limited to chromium, copper, lead, nickel, zinc, total dissolved solids, total suspended solids, nitrates, nitrites, total kjeldahl nitrogen, ammonia, total & dissolved phosphorus, oil & grease, total polycyclic aromatic hydrocarbons, fecal coliform, and total coliform. This plan will provide the location of each monitoring site, and the frequency of sampling events. The location of the monitoring sites will include sites within hydrologic sub areas 901.13 (Aliso Creek), 901.21(Oso Creek), and 901.12 (Laguna Canyon). Monitoring will continue until such a time that this Order is rescinded. Annual monitoring reports with the analysis results shall be submitted to the Regional Board.

5. Caltrans shall submit quarterly progress reports which will include:

   a. A discussion of all tasks undertaken during the quarter to achieve compliance with the Directives of this Order.

b. Documentation of the progress of all repairs to detention basins and CSF units along SR-73 within the jurisdiction of the SDRWQCB.

c. A description of all maintenance and inspection activities associated with the detention basins and CSF units along SR-73 within the jurisdiction of the SDRWQCB.

The quarterly reports shall be submitted according to the following schedule:

REPORT PERIOD	REPORT DUE
April - June	July 31
July - September	October 31
October - December	January 31
January - March	April 30

B. PROVISIONS

1. Nothing in this Order shall be construed to relieve the California Department of Transportation from further enforcement action, including administrative or judicial assessment of civil liability, injunctive relief, or criminal prosecution, resulting from violations of SDRWCB Order No. 97-08, and SWRCB Order No. 99-06-DWQ.

2. The California Department of Transportation shall submit reports required under this Order to:

Northern Region Watershed Protection Unit
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Board, San Diego Region, on July 18, 2001.

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JOHN H. ROBERTUS
Executive Officer