California Regional Water Quality Control Board
Central Coast Region

Alan C. Lloyd,Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

February 24, 2005

Greg Albright, District Director
CalTrans District Office
50 Higuera Street
San Luis Obispo, CA 93401

Dear Mr. Albright:

RE: Administrative Civil Liability Order NO.R3-2004-0107 for the HWY 101/156 Interchange Construction Project (EA Number 0161U)

Staff of the Central Coast Regional Water Quality Control Board (Regional Board) and the California Department of Transportation (CalTrans) will propose a settlement agreement in the matter of Administrative Civil Liability Order NO.R3-2004-0107 for the HWY 101/156 Interchange Construction Project (EA Number 0161U) to the Regional Board at their March 24-25, 2005 meeting in San Luis Obispo. Regional Board staff and CalTrans agree on the attached Settlement Agreement and Release, and the Administrative Civil Liability Stipulated Order (Agreement) and will recommend approval of the Agreement by the Regional Board at the March meeting. The final Agreement is subject to approval by the Regional Board. There will be no hearing on the allegations presented to the Regional Board in the Executive Officer's complaint on this matter.

Regional Board staff appreciate CalTrans' continuing efforts to comply with the CalTrans Statewide National Pollutant Discharge Elimination Systems (NPDES) permit (Permit) and the Storm Water Management Plan (SWMP). We would much rather have CalTrans projects in compliance with the permit than have both of our agencies dealing with enforcement for violations. Through settlement discussions, Regional Board staff and CalTrans were able to engage in a productive dialog about NPDES requirements, enforcement policies, and the importance of compliance for the most efficient use of state employees' time and for water quality. We would like to meet with you and your staff to improve our mutual coordination and understanding of each other's perspective on CalTrans projects and operations regarding storm water issues, to assist you with compliance with your storm water permit.

In an effort to foster better working relationships between the two State Agencies, the Regional Board Executive Officer will attempt to communicate with the District 5 District Director prior to the issuance or pursuance of any significant administrative civil liability complaints or enforcement orders. In other cases, staff-level communications might resolve outstanding problems. Communication prior to enforcement will allow for issues to be resolved at the lowest possible level. Both Regional Board staff and I look forward to developing a relationship that will benefit both agencies and our shared commitment to water quality.

The agenda for the March 24-25 Regional Board meeting will be available approximately two weeks prior to the meeting. Details of the meeting will be available at that time. If you have any questions concerning this matter, please call **Chris Adair at (805) 549-3761.**

Sincerely,

Roger W. Briggs
Executive Officer

Enclosures:
Draft Stipulated Order No. R3-2004-0107
Settlement Agreement and Release

cc:

Daniel Cooper
Lawyers for Clean Water
1004 O'Reilly Ave.
San Francisco, CA 94129

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