

DEPARTMENT OF TRANSPORTATION

DISTRICT 8
RESIDENT ENGINEER'S OFFICE
850 VIA LATA, SUITE 104
COLTON, CA 92324
PHONE (909)514-1422
FAX (909)514-1250
TTY 711
www.dot.ca.gov



*Flex your power!
Be energy efficient!*

February 12, 2016

Sue Genera (RB6enfproceed@waterboards.ca.gov)
Executive Assistant
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 9615

5.3 (SWB#01)
08-3401U4
08-SBd-2,138-6.2/6.4,2.3/R15.2
(Widen highway, bridges &
constructing retaining walls)

Caltrans Comments on Draft Cleanup and Abatement Order

Dear Ms. Sue Genera:

Note the following comments and inquiries on the draft Cleanup and Abatement Order ("Draft CAO") received by email on January 14, 2016:

1. Background Item #2 states in part that "[t]he 401 certification notes that "this Water Quality Certification applies to all aspects of the Project except for impacts to Sheep Creek and non-federal waters of the state in that vicinity. Impacts to those non-federal waters will be addressed separately through Waste Discharge Requirements."

Comment/Inquiry: Does the exception noted here include all work within these limits or only work in Sheep Creek and the drainage systems? Please clarify the limits excluded in the 401 certification.

2. Background Item #3 states in part that "Caltrans was subsequently enrolled under the Construction General Permit on March 10, 2015. Similar to the 401 certification, the Construction General Permit applies to all aspects of the Project except for discharges from construction activities to Sheep Creek and non-federal waters of the state in that vicinity."

Comment/Inquiry: WDID#8 36C372 was activated for the project on March 10, 2015. Please see attached email. The activation notification did not state an exception. The issuance of the WDID#, as provided, indicates that we can begin work on the project under the Construction General Permit. Therefore, Caltrans was not notified of any exceptions in this WDID#.

3. Background Item #5 states in part that “[s]taff also observed an absence of adequate best management practice (BMPs) along the banks of the creek and debris accumulation upstream of footings from previous storm events.”

Comment/Inquiry: Debris accumulation at the BMPs in place were a collection of debris that washed downstream and passed through the project site with the exception of wood forms which are anchored to the column foundations, (IMG_7/false work start-up). These forms are in place and have not moved. Is the Water Board referring to these forms as “debris” and do they need to be removed?

4. Background Item #9 states in part that “[t]he Water Quality Control Plan for the Lahontan Region (Basin Plan) contains policies that the Water Board uses with other Laws and regulations to protect the quality of the waters of the state within the Lahontan Region.”

Comment/Inquiry: There is no indication of these measures or guidelines in the activation of the WDID# for this project. The Water Board instead refers to the Basin Plan; clarify the intent with this newly provided information.

5. Comment/Inquiry: Caltrans understands the provisions of Order Section 2 (and all related subsections) to apply only to Sheep Creek and that Order Section 2 does not apply to Drainage Systems 1, 2, 3, 4, and 6, since Order Section 2 refers to the “Sheep Creek Abutment and Creek Restoration Project Work Plan”, not the “Sheep Creek project”, which was an explicitly defined phrase in Background Section 4. Under the provisions of the draft CAO, only the phrase “Sheep Creek project” incorporates Drainage Systems 1, 2, 3, 4, and 6.

6. Comment/Inquiry: The Draft CAO does not adequately describe the “Sheep Creek project site” and employs inconsistent and ambiguous terminology to describe the scope of the draft CAO. These deficiencies deprive Caltrans of adequate notice of the alleged violations. Caltrans is willing to consult with the Water Board to clarify the intended scope of the draft CAO’s provisions in order to achieve requisite notice. Such consultation should be undertaken before the CAO is adopted.

7. Order Item #1. Comment/Inquiry: Attached please find pictures (see IMG_6313, 6315, 6318, 6320, 6323, 6325, 6328, and 6329) depicting BMPs as per Sections 500.3 and 500.4 of the Project’s SWPPP in Sheep Creek and its vicinity.

8. Order Item #1. Comment/Inquiry: This section requires implementation “[e]ffective immediately upon issuance of this Order.” This language should be modified to require implementation within a reasonable time upon notice of issuance of the order.

9. Order Item #2.1.2. Comment/Inquiry: Please note the Draft CAO Comments depicting Sheep Creek Abutment and Creek Restoration Work Plan. This document depicts the work to take place in Sheep Creek in an effort to comply with the Water Board’s requirements. Advise should this not be sufficient.

10. Order Item #2.1.4 & 2.1.5. Comment/Inquiry: Please find attached the flow diversion plan (see 08-3401U4-SWPPP Amend #4) currently implemented on site and depicted in Amendment #4 of the Project's SWPPP (see IMG_6328 and 6329/08-3401U4Amend#4). Advise if the submitted documents do not satisfy the Draft CAO Order Items # 2.1.4 & 2.1.5.

11. Comment/Inquiry: Drainage Plans D-1, D-2 & D-3 depict drainage systems (DS) 1-5. Please confirm that Caltrans can install the flared-end sections for DS#1g, DS#2e, DS#3f and install pipe for DS#5C and inlet for DS#5d. Drainage plans are attached.

12. Order Item #2.1.5. Comment/Inquiry: A Flow Diversion Plan for in-water work occurring in Sheep Creek, including details for isolating work areas from in-stream flows and storm water run-on. Please provide clarification and guidance for when the diversion "for in-water work" be in-place. Due to the perennial nature of Sheep Creek and surface water flows, is the Board expecting that the diversion be constructed and functioning prior to and during all work activities or only when flows (storm water run-on and in creek flows) are anticipated or present?

13. Order Item #3.1. Comment/Inquiry: Caltrans Environmental Planner Adam Compton previously submitted information and project plans multiple times to Robert Solecki (and others) of the Board to satisfy Items 3.1.1, 3.1.2, and 3.1.3. Some of the information was in direct response to previous requests for information from the Board needed to make the WDR application complete. Is the information Caltrans has previously submitted to the Board still on file and if so, is it sufficient for processing of the WDR, or is additional or new information required to process the WDR? Please identify what documentation remains to be submitted to the Water Board.

14. Comment/Inquiry: Order Item #4 states that the Water Board must approve "all plans required by this Order." The Draft CAO should be more explicit about what "plans" are required by the draft CAO and should also include an unambiguous definition of "plan." This clarity is necessary because the Draft CAO makes any "violation of an approved plan" a violation of the CAO.

15. Order Item #5 states in part that "[s]ediment, turbidity, and oil and grease are some of the pollutants of concern which pose a threat to waters of the state due to unpermitted Sheep Creek project activities."

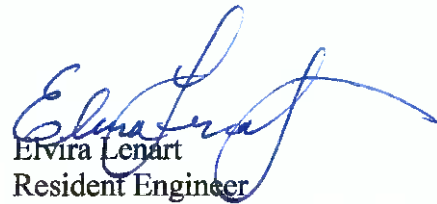
Comment/Inquiry: The Draft CAO does not provide any evidence (for instance, measurements or other relevant testing) of any discharges of any such "pollutants of concern" as a result of "project activities." If this Order Item asserts actual damage, please provide evidence to support that claim.

Ms. Sue Genera
Feb. 12, 2016
Page 4 (SWB#01)

16. Order Item #7. Comment/Inquiry: The Draft CAO seeks to impose, pursuant to Water Code section 13304, "reasonable costs associated with site investigation, oversight, and cleanup." Water Code section 13304 does not authorize the Water Board to seek reimbursement from Caltrans for investigation or oversight costs. The Draft CAO should be modified to remove this and any other language regarding cost recovery not explicitly authorized by section 13304. Moreover, the Water Board has not incurred any "cleanup" costs at this time, nor does any documentation provided to Caltrans indicate that the Water Board intends engage in abatement or remedial actions at the project site. Indeed, Caltrans has been cooperating in good faith with the Water Board to address the alleged deficiencies. As such, the entire text of Order Item #7 should be removed or modified to reflect the cost recovery provisions of section 13304.

Should you have any questions, please call me at (951) 232-8949.

Sincerely,



Elvira Lenart
Resident Engineer

Attachment(s)

- (1) Notice of Intent/WDID#
- (2) IMG_7
- (3) IMG_6313, 6315, 6318, 6320, 6323, 6325, 6328 & 6329.
- (4) Draft-Caltrans CAO Comments
- (5) 08-3401U4 SWPPP Amend#4
- (6) Drainage Plan D-1, D-2, D-3

cc: Louis Flores, Construction Engineer
Scott Quinzel, Senior Environmental Planner
David M Meress, Senior Landscape Architect
Ray Stokes, Area Construction Manager
Bryce Johnston, Project Manager

Lenart, Eivira@DOT

From: do_not_reply@waterboards.ca.gov
Sent: Tuesday, March 10, 2015 2:35 PM
To: Stokes, Ray R@DOT; Bergevin, Mike A@DOT; Shahidi, Shaine A@DOT; Mohammadi, Essi M@DOT; Davis, Darcy L@DOT; Yang, Chad C@DOT; Santos, John F@DOT; Yogarajah, Manny M@DOT; Lenart, Eivira@DOT; Boulos, Ihab@DOT; Benson, David R@DOT; Calixto, Miguel@DOT; Tran, Ken T@DOT; Sostrom, Denise@DOT; Nguyen, Khoa N@DOT; Nguyen, Nhan N@DOT; Al-Khateeb, Taghreed@DOT; Taha, Issa@DOT; Sostrom, Denise@DOT; Benjamin, Amgad@DOT; Youssef, Maged M@DOT; Beauchamp, Michael D@DOT; Georges, Samer@DOT; Ooi, Kee T@DOT; Abu-Gharbieh, Imad M@DOT; Truong, Nick@DOT; Quach, Max@DOT; Quach, Bac Son@DOT; Meress, Dave M@DOT
Cc: WB-DWQ-r8 stormwater
Subject: Your submitted Notice of Intent Review - Status update

Owner/Operator:
Caltrans District 8
464 West Fourth Street
San Bernardino CA 92401

Facility/Site:
Rte 138 West of Rte 15
08SBd2 138 6 2 64 2 3 R15 2
Phelan CA 92371

WDID: 8 36C372366
ApplicationId: 452302
Permit Type: Caltrans Construction
Status: Active
Submission Date: 02/24/2015

Your NOTICE OF INTENT is Active.

Login to your account at: <https://smarts.waterboards.ca.gov/>

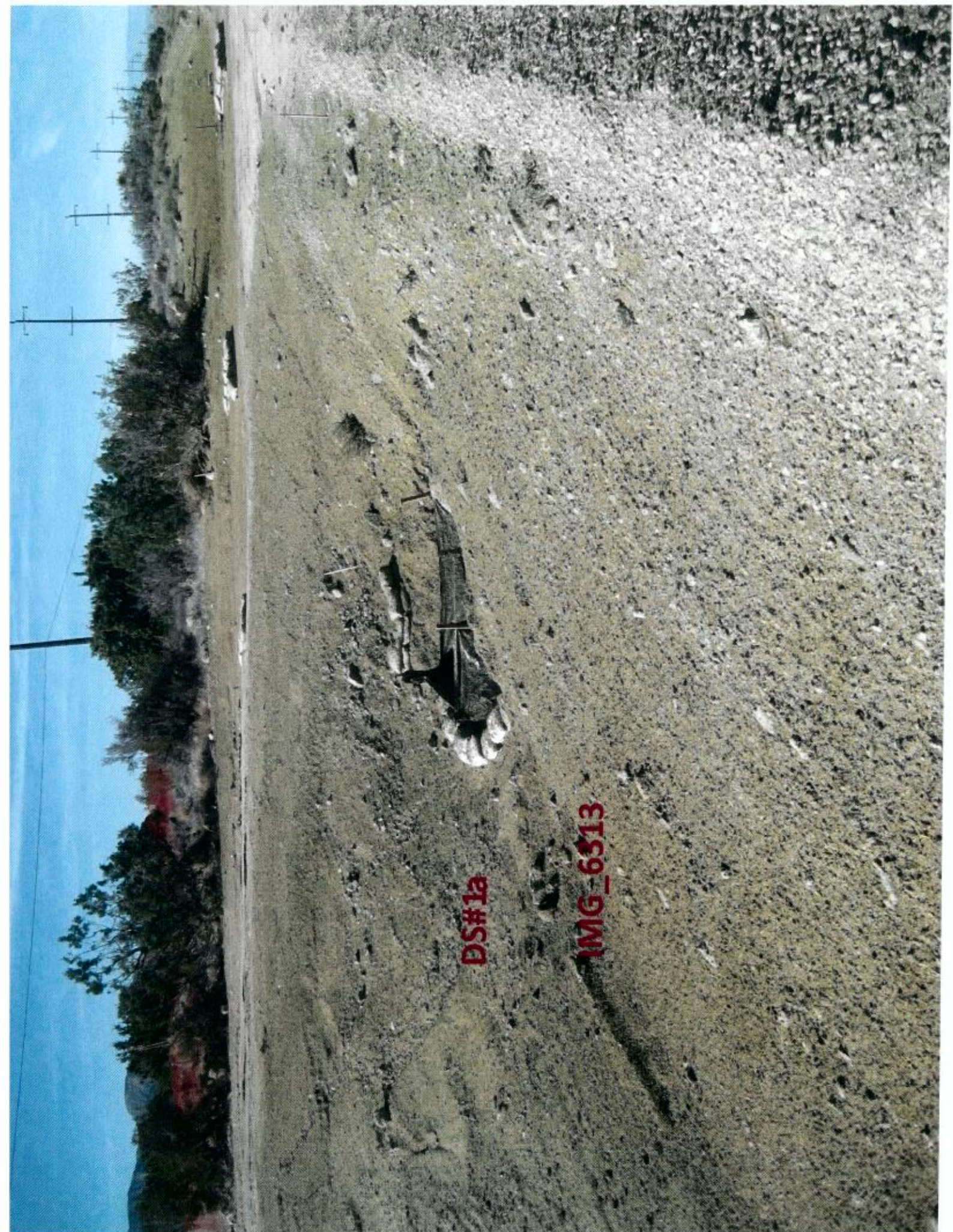
If you have any questions, please contact the SMARTS Help Center at stormwater@waterboards.ca.gov or 1-866-563-3107.

You can also contact the Regional Water Board at r8_stormwater@waterboards.ca.gov.

Thank you,
Storm Water Section

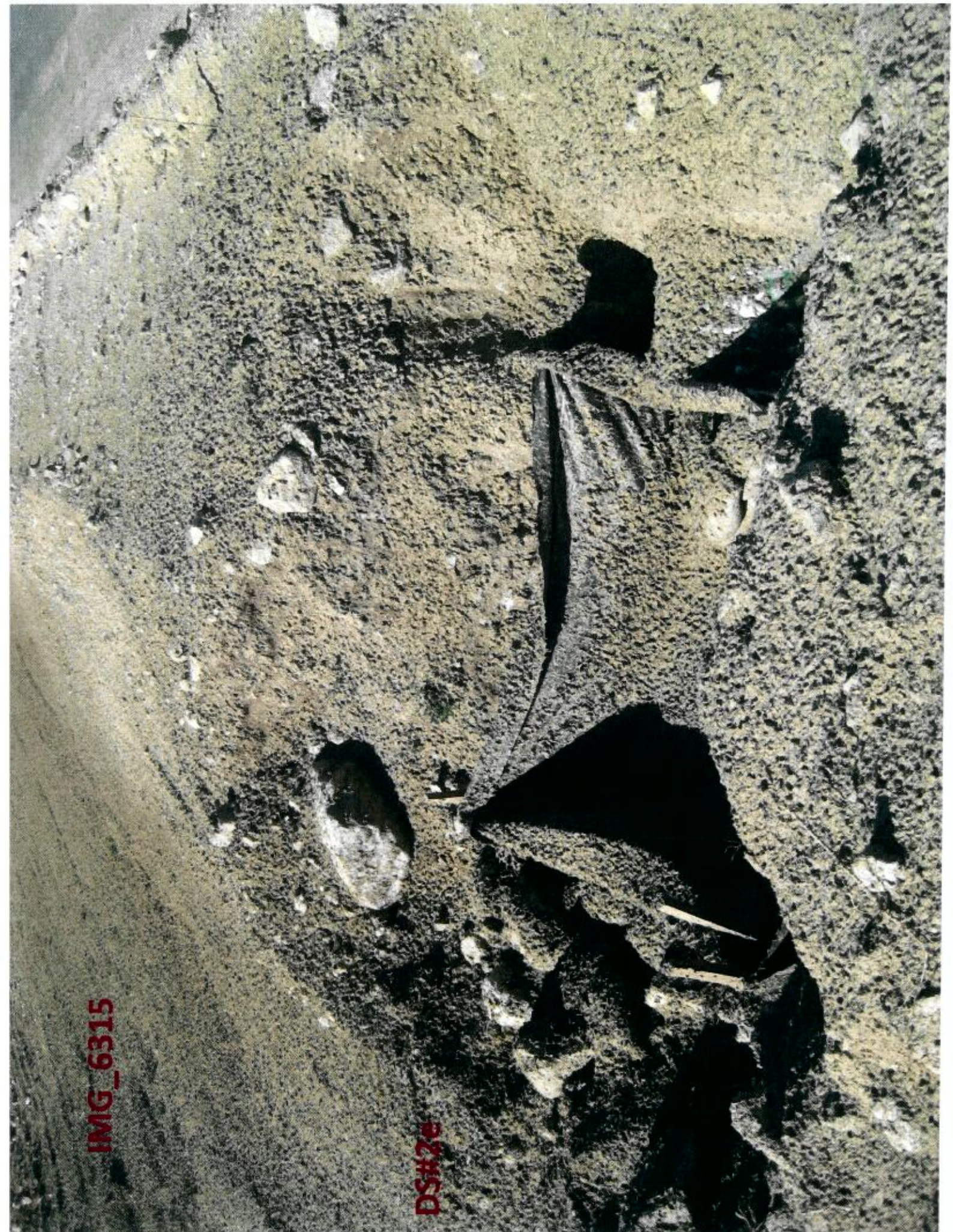
IMG_7





DS#1a

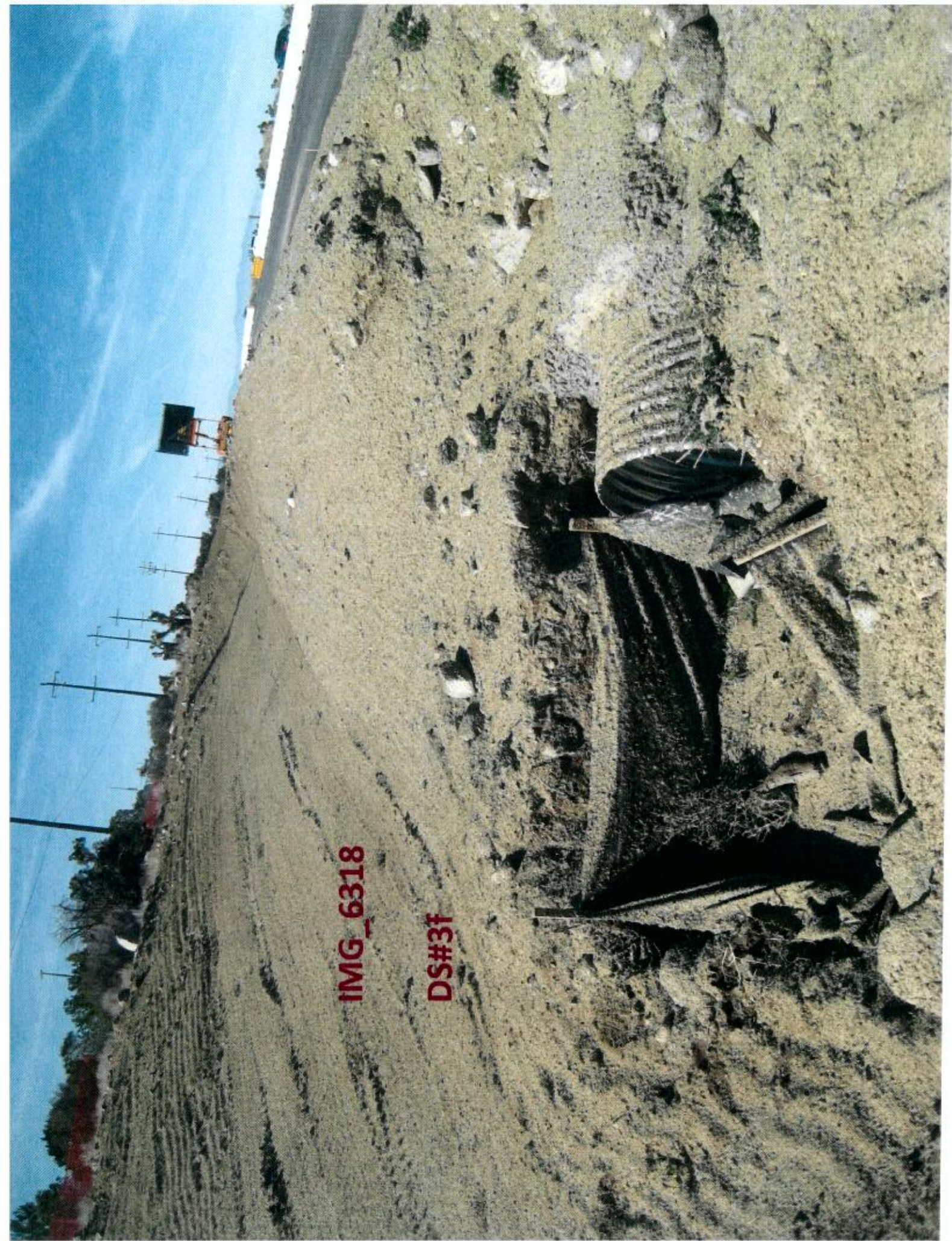
IMG_6313



IMG_6315

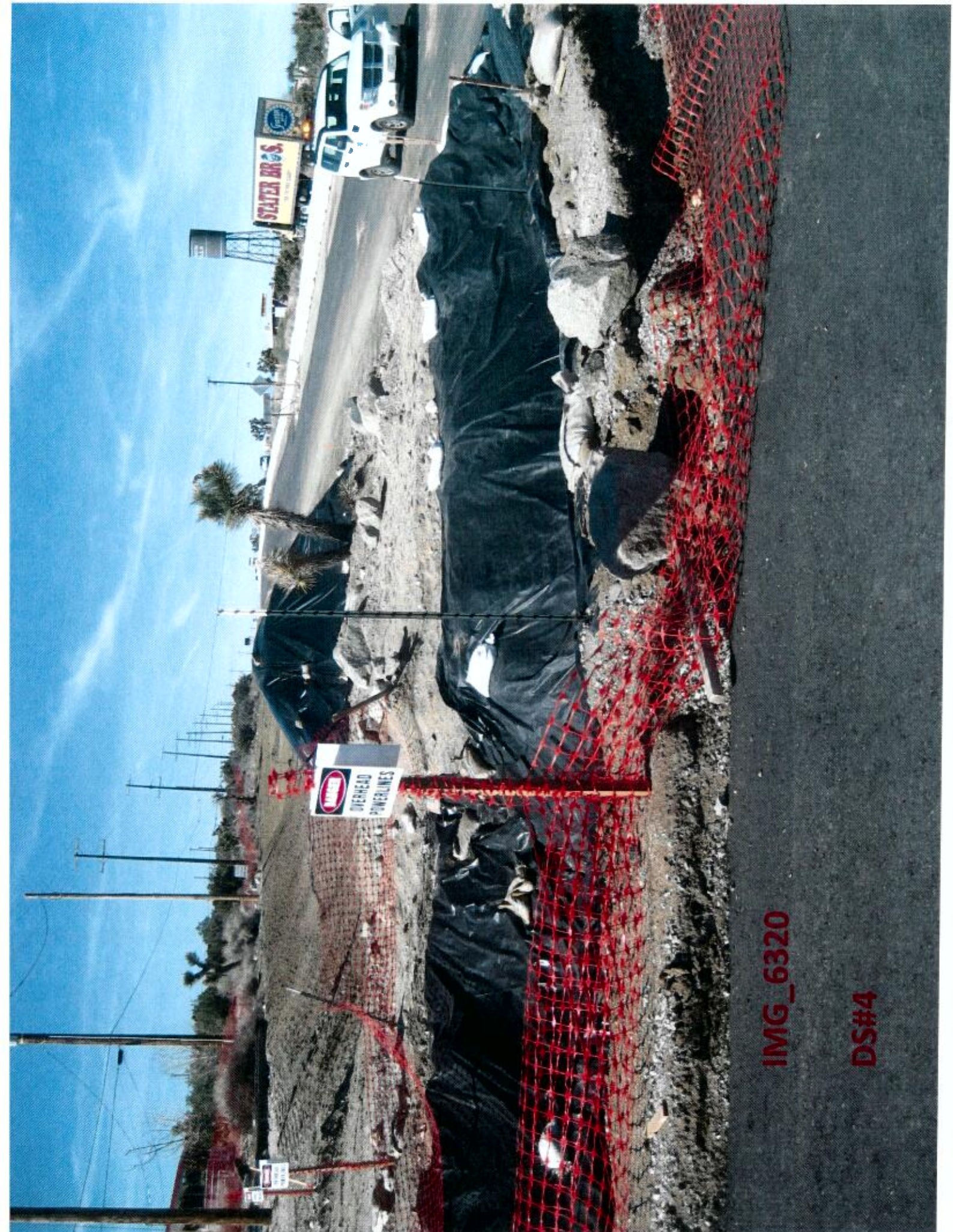
DS#26





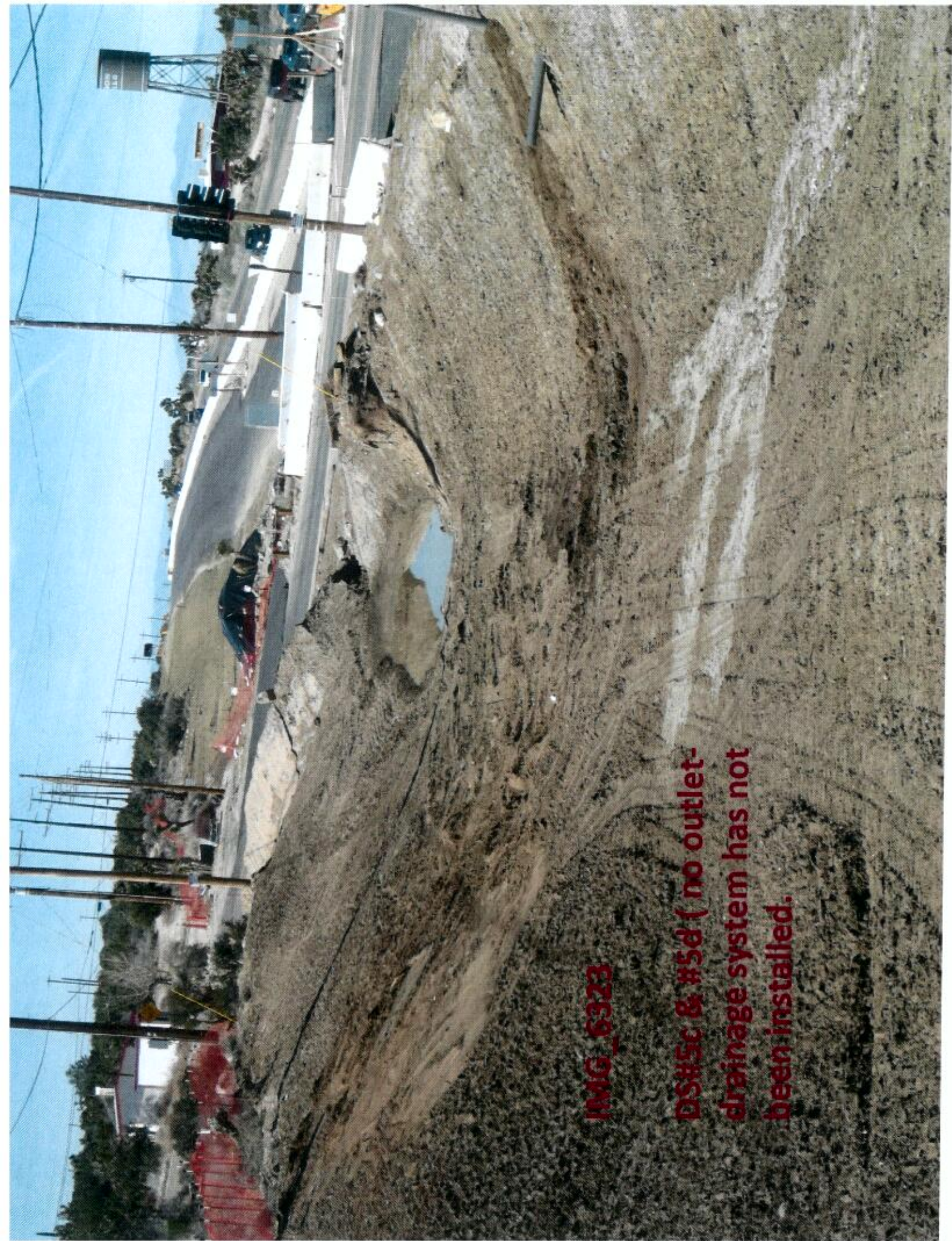
IMG_6318

DS#3f



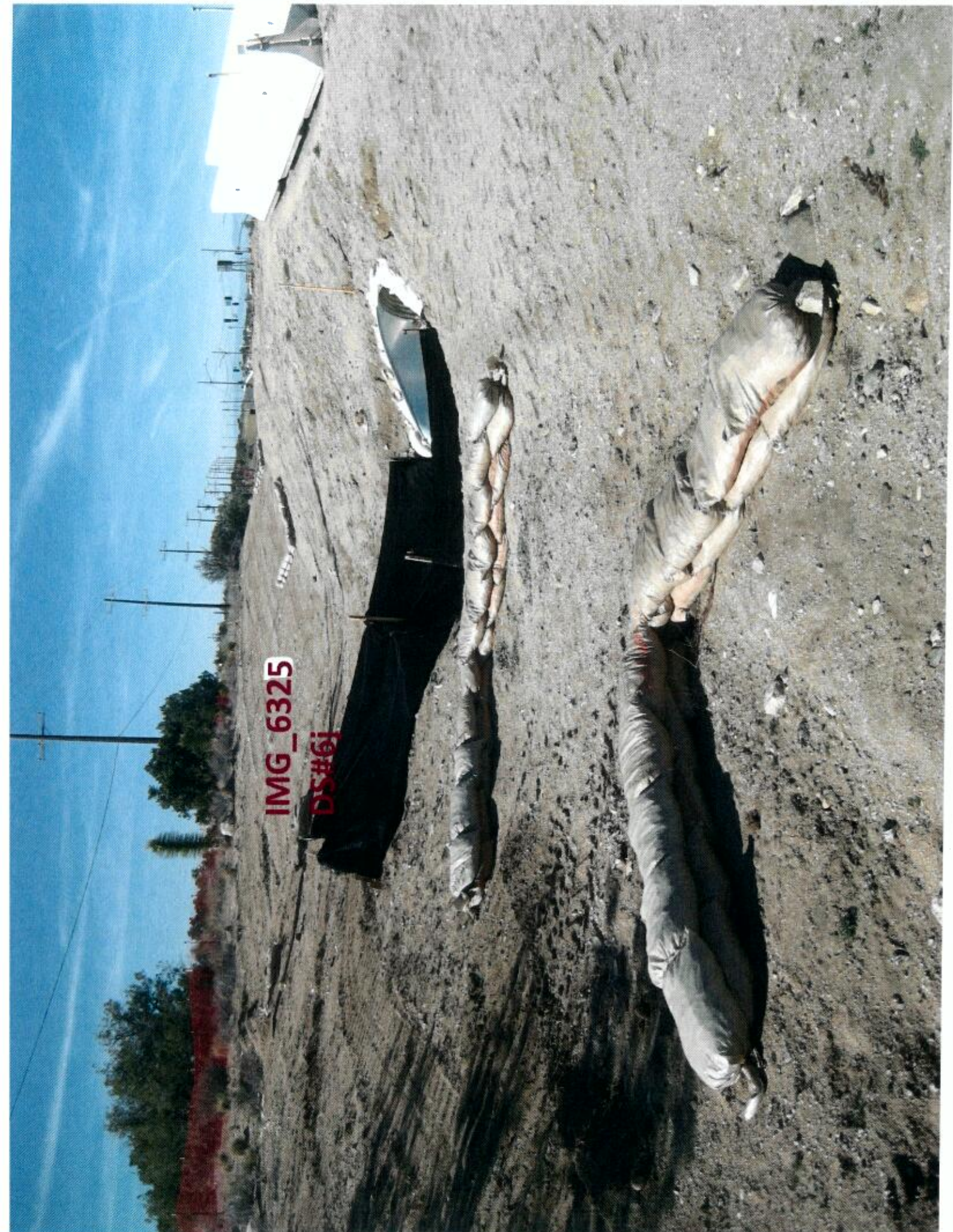
IMG_6320

DS#4



IMG_6323

**DS#5c & #5d (no outlet-
drainage system has not
been installed.**



IMG_6325

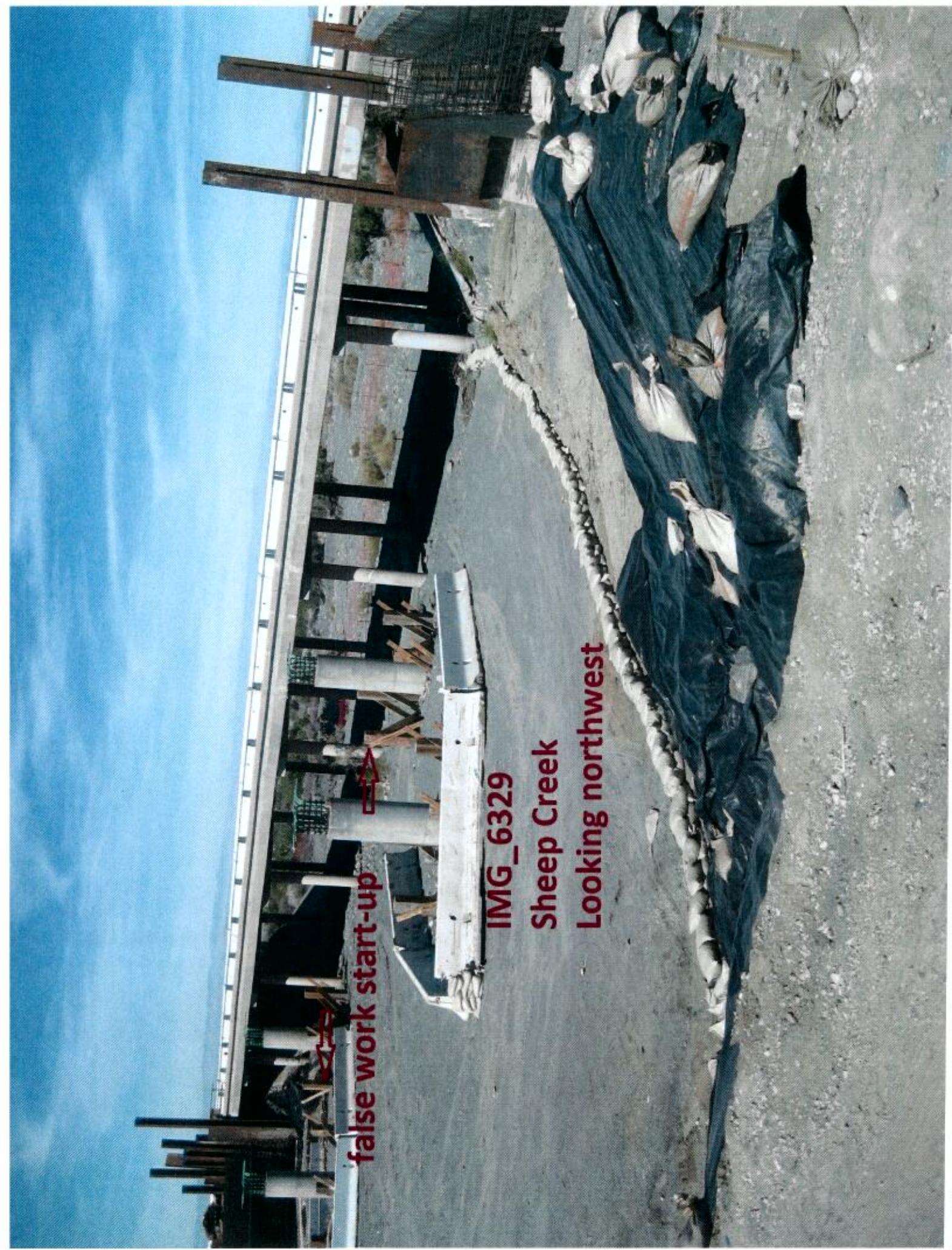
DS#6j





IMG_6328

Looking West on the
southside



false work start-up



IMG_6329

Sheep Creek

Looking northwest

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
08	SBd	2,138	6.2/6.4, 2.3/R15.2		

<i>Tuan Truong</i>	2-9-16
REGISTERED CIVIL ENGINEER	DATE
PLANS APPROVAL DATE	

REGISTERED PROFESSIONAL ENGINEER	
TUAN A. TRUONG	
No. C60137	
Exp. 6-30-16	
CIVIL	
STATE OF CALIFORNIA	

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

PROPOSED STATE ROUTE 138

PROPOSED CONCRETE LINING

EXISTING CONCRETE LINING

CONSTRUCT HALF OF ABUTMENT SHEEP CREEK BRIDGE Br No. 54-1286

CONSTRUCT CONCRETE SLOPE PAVING

EXIST CONCRETE CHANNEL LINING

EXISTING CONCRETE CHANNEL LINING

SECTION A-A

CONSTRUCT HALF OF ABUTMENT #1
CONSTRUCT SLOPE PAVING
SHEEP CREEK BRIDGE (REPLACE)
BR No. 54-1286

EXIST SHEEP CREEK BRIDGE
PROTECT IN PLACE

CONSTRUCT HALF OF ABUTMENT #4
CONSTRUCT SLOPE PAVING
SHEEP CREEK BRIDGE (REPLACE)
BR No. 54-1286

REMOVE DIRT ACCESS ROAD
RECONSTRUCT CONC SLOPE PAVING
AND MATCH EXIST

NOTE:

1. PROPOSED CONCRETE LINING TO BE REPLACED IN KIND OR BETTER
2. LIMITS OF EXISTING SHEEP CREEK CHANNEL CONCRETE LINING TO BE PROTECTED IN PLACE

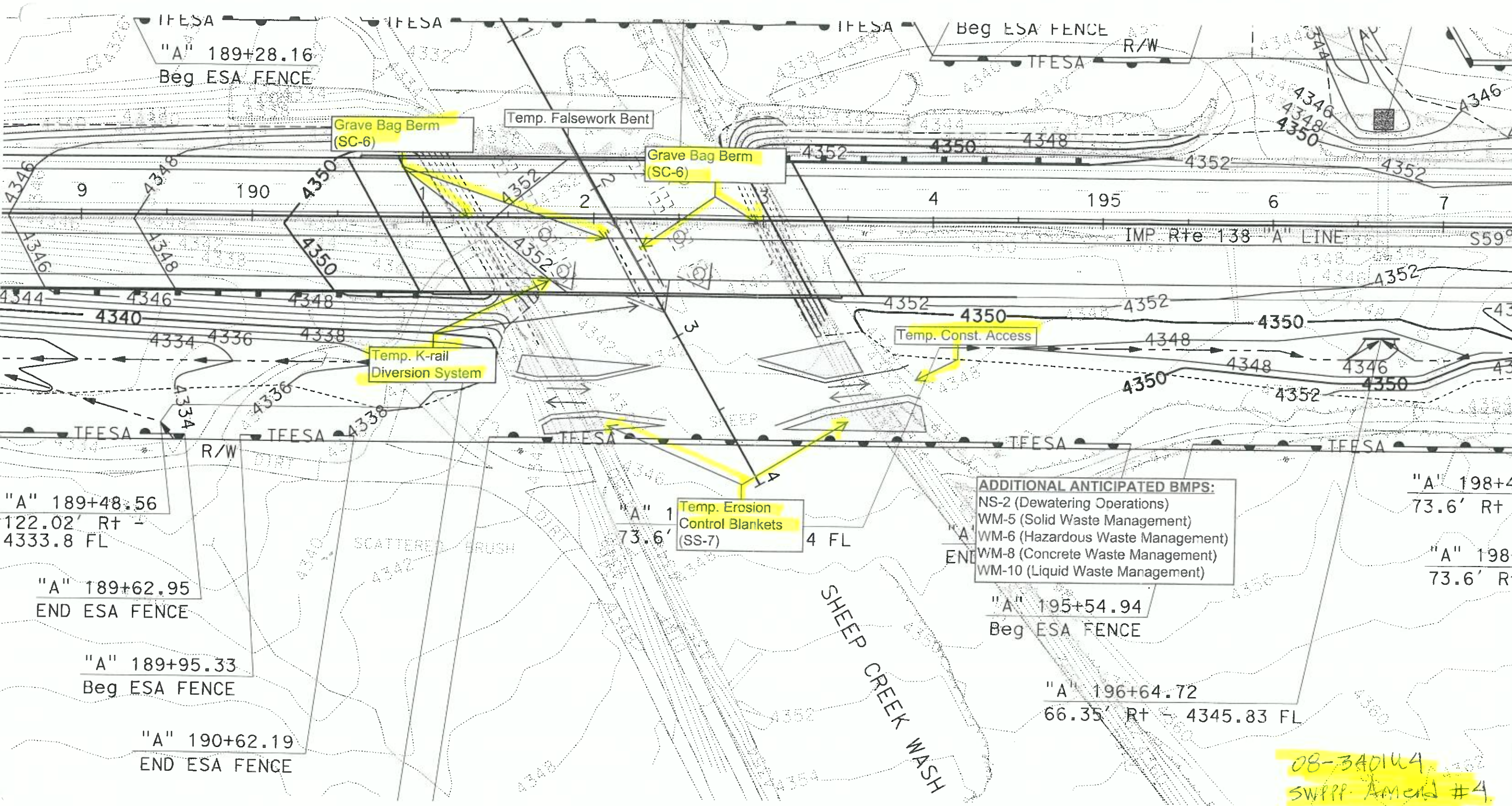
DRAFT - CALTRANS CAO COMMENTS

SCALE 1" = 20'

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans DESIGN

FUNCTIONAL SUPERVISOR: DIBORO KANABLO
DESIGNED BY: WILLIAM PETOSKEY
CHECKED BY: GALINA GINZBURG
REVISED BY: DATE REVISION

LAST REVISION: DATE PLOTTED => #DATE
02-09-16 TIME PLOTTED => #TIME



ADDITIONAL ANTICIPATED BMPs:
 NS-2 (Dewatering Operations)
 WM-5 (Solid Waste Management)
 WM-6 (Hazardous Waste Management)
 WM-8 (Concrete Waste Management)
 WM-10 (Liquid Waste Management)

08-340104
 SWPPP Amend #4

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	SBd	2,138	5.2/6.4 2.3/R+5.2	252	1'68

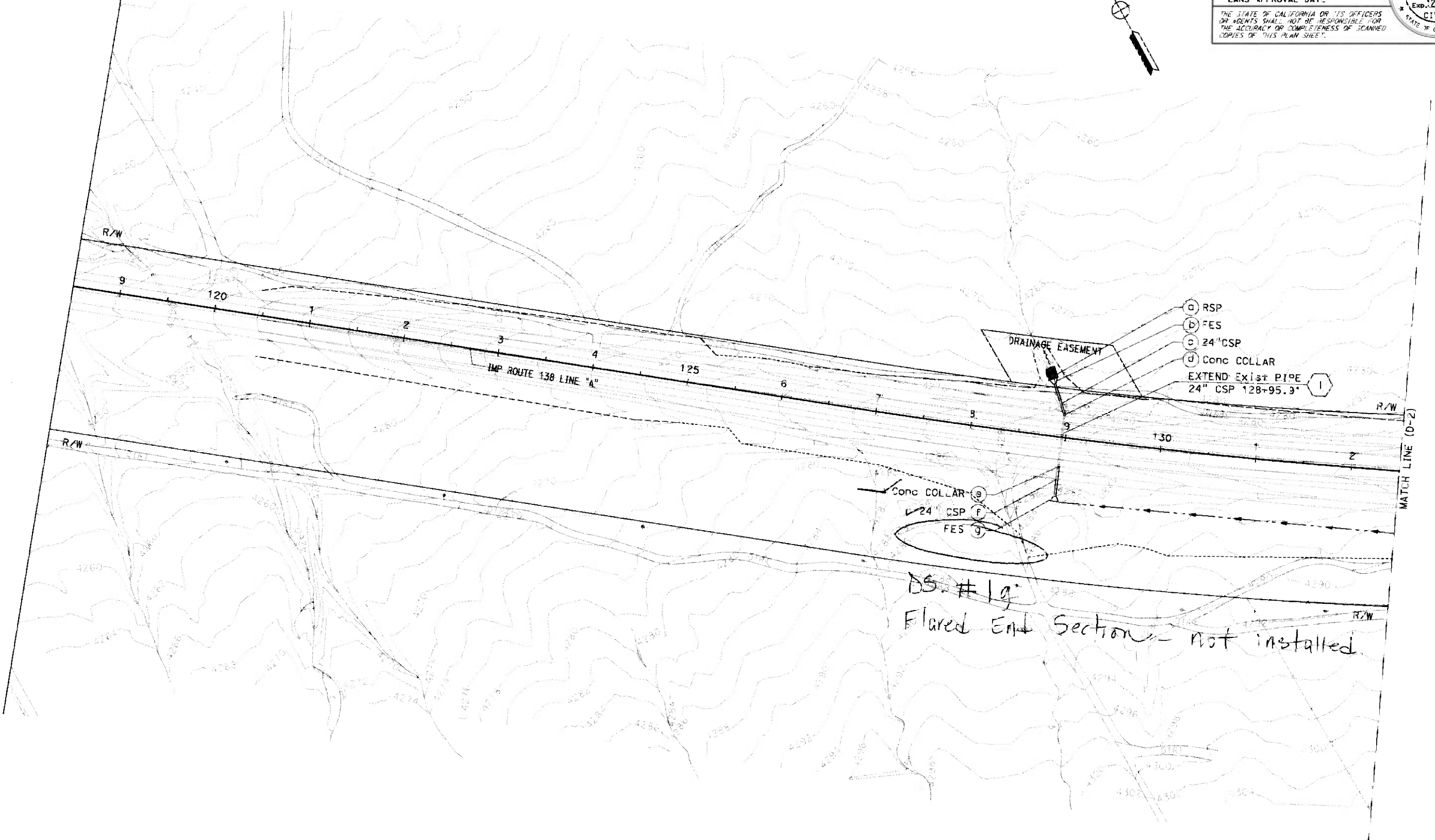
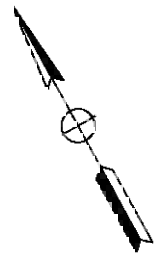
John M. Rogers 9-5-13
 REGISTERED CIVIL ENGINEER DATE
 3-3-14
 PLANS APPROVAL DATE

REGISTERED PROFESSIONAL ENGINEER
 JOHN M. ROGERS
 No. 252748
 Exp. 2-31-14
 CIVIL
 STATE OF CALIFORNIA

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

NOTES:

- FOR DITCH FLOW LINE ELEVATIONS REFER TO CONTOUR GRADING PLAN.
- FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



- (a) RSP
- (b) FES
- (c) 24" CSP
- (d) Conc COLLAR
- EXTEND Exist PIPE
- 24" CSP 128+95.3'

- (e) Conc COLLAR
- (f) 24" CSP
- (g) FES

DS. # 1g
 Flared End Section - Not installed

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	DESIGNED BY	REVISOR
Caltrans HYDRAULICS DESIGN	JOHN M. ROGERS	JOHN M. ROGERS	JOHN M. ROGERS
	CHECKED BY	DATE REVISION	

DRAINAGE PLAN
 SCALE: 1" = 50' **D-1**

APPROVED FOR DRAINAGE WORK ONLY

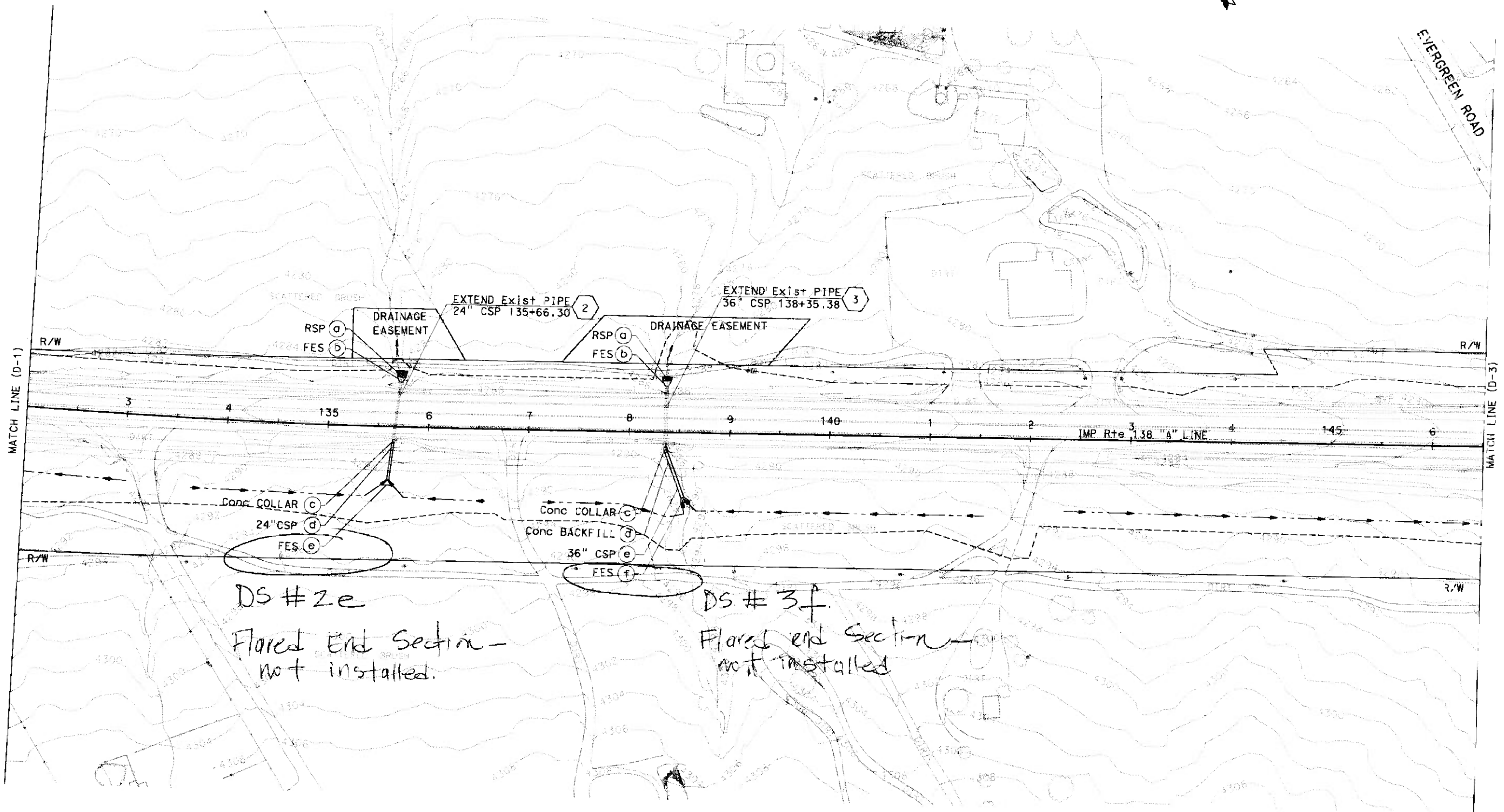
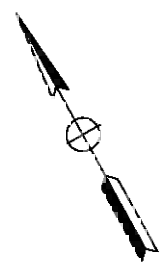
DATE PLOTTED => 01-MAR-2014
 TIME PLOTTED => 10:30
 LATEST REVISION

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
08	Sbd	2.138	6.2/6.4 2.3/R15.2	253	1168

John M. Rogers 9-5-13
 REGISTERED CIVIL ENGINEER DATE
 3-3-14
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENCIES SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

REGISTERED PROFESSIONAL ENGINEER
JOHN M. ROGERS
 No. CS2748
 Exp. 12-31-14
 C.V.I.
 STATE OF CALIFORNIA

- NOTES:**
- FOR DITCH FLOW LINE ELEVATIONS REFER TO CONTOUR GRADING PLAN.
 - FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



DS # 2e
 Flared End Section -
 not installed.

DS # 3f
 Flared end Section -
 not installed

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Hydraulics DESIGN
 FUNCTIONAL SUPERVISOR: JOHN M. ROGERS
 CHECKED BY: JOHN M. ROGERS
 DESIGNED BY: SHAHID AHMED
 REVISIONS: REVISION BY: DATE REVISION:

DRAINAGE PLAN
 SCALE: 1" = 50' D-2

APPROVED FOR DRAINAGE WORK ONLY

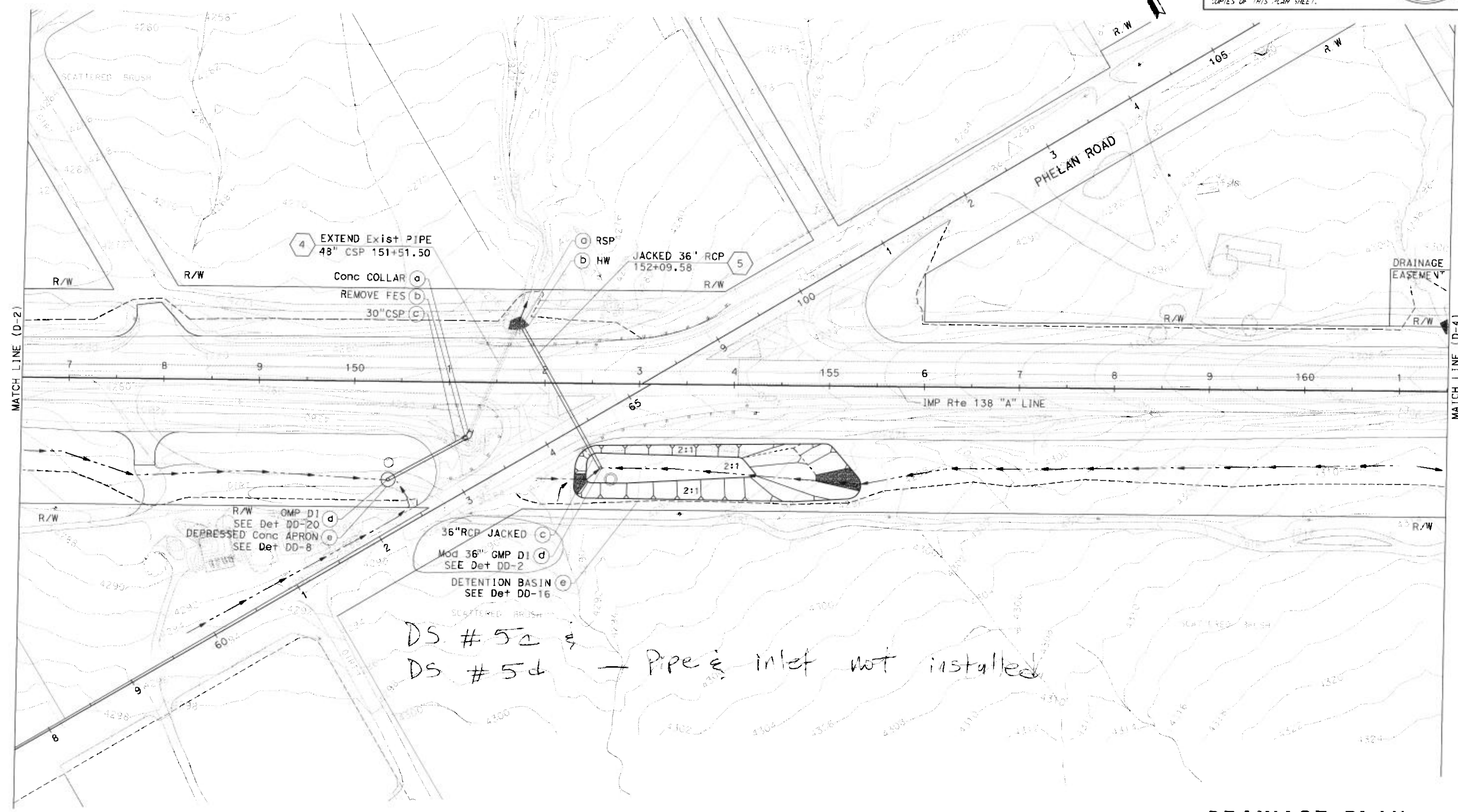
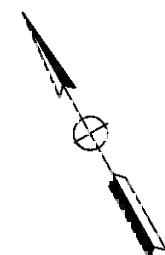
DATE PLOTTED => 01 MAY 2014
 TIME PLOTTED => 10:31

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	SBd	2,138	5.2/6.4 2.3/R15.2	254	1168

John M. Rogers 9-5-13
 REGISTERED CIVIL ENGINEER DATE
 3-3-14
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

REGISTERED PROFESSIONAL ENGINEER
JOHN M. ROGERS
 No. 232748
 Exp. 12-31-14
 CIVIL
 STATE OF CALIFORNIA

- NOTES:**
- FOR DITCH FLOW LINE ELEVATIONS REFER TO CONTOUR GRADING PLAN.
 - FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



DS # 5a
 DS # 5d — Pipe & inlet not installed

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans HYDRAULICS DESIGN
 FUNCTIONAL SUPERVISOR: JOHN M. ROGERS
 CHECKED BY: JOHN M. ROGERS
 DESIGNED BY: JOHN M. ROGERS
 REVISED BY: SHAHID AHMED
 DATE REVISED: JOHN M. ROGERS

DRAINAGE PLAN
 SCALE: 1" = 50'
D-3

APPROVED FOR DRAINAGE WORK ONLY

DATE PLOTTED => 01-MAY-2014
 TIME PLOTTED => 10:01