



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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Los Angeles Regional Water Quality Control Board

July 21, 2016

Ron Kosinski  
Division of Environmental Planning  
Caltrans District 7  
100 S. Main St.  
Los Angeles, CA 90012

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7008 1140 0002 8671 9998

**NOTICE OF VIOLATION: CLEAN WATER ACT SECTION 401 WATER QUALITY  
CERTIFICATIONS FOR FOURTEEN CALTRANS PROJECTS – REPORTING VIOLATIONS  
(FILE Nos. 09-221, 09-207, 09-137, 10-035, 10-087, 10-086, 11-020, 10-054, 10-034, 11-092, 12-032,  
13-143, 12-065, 12-046)**

Dear Mr. Kosinski:

Clean Water Act Section 401 Water Quality Certifications for the 14 projects listed in Attachment 1 were issued by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) to the California Department of Transportation (Caltrans) between January 2010 and May 2015 (Certifications).

Each of the Certifications included reporting requirements. **To date, the Los Angeles Water Board has received none of the required reporting.**

Without receipt of the required reports, the Los Angeles Water Board is hindered from assessing compliance with water quality laws. In particular, the Los Angeles Water Board cannot determine whether Caltrans has, in fact, implemented compensatory mitigation required by its Certifications. Ten out of 14 of the Certifications required that compensatory mitigation be completed. In total, these projects were authorized to impact 3.2787 acres (temporary and permanent impacts, exclusive of concrete to concrete repairs) and were required to complete 6.4675 acres of compensatory mitigation (6.3025 acres riparian habitat and 0.165 acres wetlands). No reports or other documentation have been received by the Los Angeles Water Board to document the implementation or success of the required compensatory mitigation.

Caltrans is in violation of the conditions and provisions of its Certifications requiring that discharges from project activities comply with the Federal Water Pollution Control Act (CWA), 33 U.S.C. section 1251 et seq., the Porter Cologne Water Quality Control Act section 13160 et seq., and the State Water Resources Control Board Order No. 2003-0017-DWQ. Pursuant to Water Code section 13385(c)(1), Caltrans is subject to administrative civil liability of up to ten thousand dollars (\$10,000) per day for failing to comply with the reporting requirements cited above. An administrative civil liability may be assessed by the Los Angeles Water Board beginning with the date that the violations first occurred and without further warning.

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IRMA MUÑOZ, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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The Los Angeles Water Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to Water Code section 13386.

To be in compliance with the conditions of the Certifications, Caltrans shall submit all required reporting. Reporting shall include documentation that all compensatory mitigation has been implemented. At this time, if Annual Mitigation Monitoring Reports for a specific project have not been previously prepared, in lieu of creating and submitting multiple Annual Mitigation Monitoring Reports, Caltrans may submit a single report to encompass information from all years for that project.

In addition, Caltrans must provide an explanation of how it intends to timely meet future reporting and mitigation requirements.

Compliance with the action set forth in this Notice of Violation does not affect the Regional Board's authorization to take enforcement action against Caltrans for any of the violations noted herein.

If you have any questions regarding this matter, please contact Dr. LB Nye at (213) 576-6785 or by email at [lb.nye@waterboards.ca.gov](mailto:lb.nye@waterboards.ca.gov) or Mr. Dana Cole at (213) 576-5733 or by email at [dana.cole@waterboards.ca.gov](mailto:dana.cole@waterboards.ca.gov).

Sincerely,



Paula Rasmussen  
Assistant Executive Officer

cc: [via email only]

Vanessa Young, Office of Enforcement, State Water Resources Control Board  
Bill Orme, Division of Water Quality, State Water Resources Control Board  
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9  
Melissa Scianni, U.S. Environmental Protection Agency, Region 9  
Erin Wilson, California Department of Fish and Wildlife  
David Castanon, U.S. Army Corps of Engineers

	File No.	Project name	Date Issued	Caltrans Staff	Conditions requiring reporting	Acres impacted	Required compensatory mitigation
1	09-221	CMP Culverts on State Route 27 at PM 4.55	1/4/2010	Peter Champion	Condition 22: Proposed Mitigation Report Condition 23: Annual Mitigation Monitoring Reports	Streambed: 0.013 temporary acres	Restoration of areas of temporary impact 0.013 acres Riparian habitat 0.026 acres
2	09-207	I-405 Sepulveda Pass HOV Lane Project	2/16/2010	Paul Caron	Condition 21: Proposed Mitigation Report Condition 24: Annual Mitigation Monitoring Reports	Streambed: 0.019 temporary acres and 0.091 permanent acres Wetland: 0.055 permanent acres	Restoration of areas of temporary impact 0.019 acres Riparian habitat 0.347 acres (of which 0.165 must be wetland)
3	09-137	Ven-150 Santa Paula Creek Fish Weir Modification Project	3/16/2010	Linna Wei	Condition 21: Proposed Mitigation Report Condition 24: Annual Mitigation Monitoring Reports	Streambed: 0.276 temporary acres and 0.428 permanent acres	Restoration of areas of temporary impact 0.276 acres Riparian habitat 1.284 acres
4	10-035	VEN-101 Culvert Replacement Project	6/30/2010	Stephanie White	Condition 20: Proposed Mitigation Report Condition 21: Annual Mitigation Monitoring Reports	Streambed: 0.37 temporary acres and 0.01 permanent acres	Restoration of areas of temporary impact 0.37 acres Invasive removal 0.03 acres
5	10-087	07-LA-05 Freeway Widening (Firestone)	8/18/2010	Sarah Berns	Condition 17: Annual Monitoring Reports	Streambed concrete: 0.77 permanent acres	None
6	10-086	7-LA-05 Freeway Widening (Alondra)	8/18/2010	Sarah Berns	Condition 17: Annual Monitoring	Streambed concrete: 0.23 permanent acres	None

	File No.	Project name	Date Issued	Caltrans Staff	Conditions requiring reporting	Acres impacted	Required compensatory mitigation
					Reports		
7	11-020	I-710 Bridge Widening Project	5/26/2011	Linna Wei	Condition 20: Annual Monitoring Reports	Streambed concrete: 0.06 temporary acres and 0.05 permanent acres	None
8	10-054	State Route 126, Hopper Creek Bridge long-term Sediment Removal Maintenance	7/20/2011	Eduardo Aguilar/Newton Wong	Condition 23: Proposed Mitigation Report Condition 25: Annual Mitigation Monitoring Reports	Streambed: 0.79 temporary acres	Riparian habitat 0.79 acres
9	10-034	State Route 2 Metal Pipe Extension at Ladybug Canyon	10/7/2011	Eduardo Aguilar/Newton Wong	Condition 22: Proposed Mitigation Report Condition 24: Annual Mitigation Monitoring Reports	Streambed: 0.367 permanent acres	Riparian habitat 0.734 acres
10	11-092	VEN 1 Seawall Replacement	10/14/2011	Sarah Baker	Condition 23: Proposed Mitigation Report Condition 24: Annual Mitigation Monitoring Reports	Streambed: 0.0125 temporary acres and 0.0002 permanent acres Ocean seawall: 3.82 temporary acres and 1.13 permanent acres	Riparian habitat 0.0185 acres
11	12-032	VEN-33 Soil Nail Wall Project	5/7/2013	Peter Champion	Condition 22: Proposed Mitigation Report Condition 23: Annual Mitigation Monitoring Reports	Streambed: 0.12 temporary acres and 0.23 permanent acres	Restoration of areas of temporary impact 0.12 acres Riparian habitat 0.46 acres
12	13-143	Ladybug Permanent Culvert	11/27/2013	Mohammed Shaikh	Condition 22: Proposed	Streambed: 0.367 permanent acres	Riparian habitat 1.10 acres

	File No.	Project name	Date Issued	Caltrans Staff	Conditions requiring reporting	Acres impacted	Required compensatory mitigation
					Mitigation Report		
					Condition 24: Annual Mitigation Monitoring Reports		
13	12-065	State Route 60/Lemon Ave Interchange Project	4/16/2014	Gary Iverson	Condition 21: Proposed Mitigation Report Condition 23: Annual Mitigation Monitoring Reports	Streambed: 0.13 permanent acres	Riparian habitat 0.88 acres
14	12-046	I-5 Freeway Widening and Reconstruction Project	5/26/2015	Paul Caron/Mary Ngo	Condition 20: Annual Monitoring Reports	Streambed: 6.18 temporary travel route acres and 0.5117 concrete permanent acres	None

