

Executive Officer's Summary Report
8:30 a.m., December 10, 2009
Regional Water Board
5550 Skylane Blvd., Suite A
Santa Rosa, California

Item: 3

Subject: Public Hearing on Order No. R1-2009-0115, to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for Discharges in Violations of Clean Water Act, Section 401, Water Quality Certification In the Matter of **California Department of Transportation** (Caltrans) Hardscrabble Creek Bridge Replacement Project WDID No. 1A06056WNDN.

DISCUSSION

On September 30, 2008, the Regional Water Board Assistant Executive Officer issued ACL Complaint No. R1-2008-0054 to Caltrans for violations of its Clean Water Act section 401 Water Quality Certification for the Hardscrabble Creek Bridge Replacement Project in Del Norte County. The violations were associated with two unauthorized discharges of pressure washing wastewater into Hardscrabble Creek, tributary to the Smith River. The Complaint proposed a total penalty of \$60,000. Following issuance of the Complaint, Caltrans provided additional information regarding the incidents and, on May 20, 2009, staff of the Regional Water Board and Caltrans, and representatives of Caltrans' contractor for the project met to discuss this matter. Based on the information provided by Caltrans staff and related discussions during the May 20 meeting, staff determined that it was appropriate to revise the proposed penalty to \$26,000. Caltrans must pay \$26,000 to the State Water Pollution Cleanup and Abatement Account (CAA) by November 4, 2009.

The proposed Order acknowledges the revised ACL penalty amount of \$26,000 and the November 4, 2009 deadline for payment by Caltrans.

A copy of the draft Order was mailed to Caltrans and interested parties, and was posted on the Regional Water Board's website.

PRELIMINARY STAFF
RECOMMENDATION:

Adopt the Order as proposed.