



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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September 28, 2007

In reply refer to:  
WPS: 18-1999133.02: carias

Mr. Pedro Orso Delgado  
District Director  
Department of Transportation, District 11  
4050 Taylor Street  
San Diego, CA 92110

Mr. Greg Hulsizer  
Chief Executive Officer  
South Bay Expressway, LP  
880 Kuhn Drive  
Chula Vista, CA 91914

Dear Mr. Orso Delgado and Mr. Hulsizer:

**SUBJECT: September 18, 2007 Meeting and Field Visit Regarding Southbay Expressway (SR-125 Toll Road) Post Construction Structural Treatment Best Management Practices (BMPs) Implementation.**

On September 18, 2007, representatives of the San Diego Regional Water Quality Control Board (Regional Board) including Christina Arias and Dat Quach met with Laurie Berman and Susanne Glasgow with the California Department of Transportation (Caltrans) and Dave Hawley, Lorenzo Garrido and Greg Hulsizer of Southbay Expressway, LP, to discuss the status of the implementation of post construction storm water treatment BMPs along the SR-125 Toll Road.

Based on the information obtained during the meeting and field visit, I have serious concerns about the lack of progress in establishing vegetation in the extended detention basins and bio-swales, as required by the Section 401 water quality certification (File No. 99C-133) issued for the project. Additionally, the project is clearly not sufficiently prepared at this time for the upcoming rainy season, due to the lack of adequate sediment and erosion control BMPs on a most of the disturbed areas throughout the entire project, as required by the Statewide General Construction Stormwater Permit, Order No. 99-08-DWQ (Construction Stormwater Permit).

During the meeting Mr. Hulsizer stated that Southbay Expressway LP hopes to open the Toll Road for operation within six to eight weeks. Unless immediate action is taken to address the Regional Board's concerns as described below, Caltrans and Southbay Expressway are very likely to be in violation of 401 certification conditions and requirements of the Construction Stormwater Permit.

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*California Environmental Protection Agency*

### **Implementation of Vegetated Structural Treatment BMPs**

In a letter dated August 1, 2007, Caltrans and Southbay Expressway, LP, requested amendment to Condition D.6 of the 401 certification issued for the project. The amendment had been requested because you anticipated that landscape and irrigation activities would not be completed prior to the scheduled road opening. In the August 1, 2007 letter the following was proposed:

“Landscape and irrigation associated with bio-swales and detention basins will be installed to establish vegetation prior to road opening. As required, water quality monitoring associated with the permanent BMPs will commence in accordance with the project’s *Water and Sediment Monitoring Plan* following road opening.”

Based on the commitments made in the August 1, letter, the Regional Board amended Condition D.6 of the certification. Condition D.6 (a) currently requires that **prior** to road opening:

“All permanent structural treatment BMPs (including vegetated detention basins and Bio-swales) will be fully implemented and functional.”

During the Sept. 18 field visit there was little, if any, evidence of attempts to begin vegetation establishment in any of the thirty-eight proposed bio-swales or fourteen extended detention basins located along the Toll Road. Additionally, during the meeting no formalized plan was proposed to address how vegetation establishment in the permanent BMPs would be accomplished prior to the proposed road opening.

### **Implementation of Effective Erosion and Sediment Controls**

Caltrans Statewide Stormwater Permit (Order No. 99-06-DWQ) requires that Caltrans’ construction program comply with the requirements of the Construction Stormwater Permit. The Construction Stormwater Permit requires that:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.”

During the Field visit on September 18, 2007, the Regional Board representatives warned that with the start of rainy season approaching (October 1), a majority of the disturbed soil areas along the project alignment lack adequate erosion and sediment

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Mr. Hulsizer, Southbay Expressway, LP

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controls, as required by the General Permit and the March 2003 Caltrans *Construction Site Best Management Practices (BMPs) Manual*.

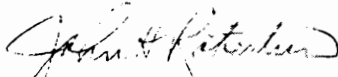
In summary, I urge you to begin immediately establishing vegetation in the bio-swales and extended detention basins in accordance with Caltrans specifications and guidelines. Failure to fully vegetate the permanent treatment BMPs prior to opening the SR-125 Toll Road would be a violation of conditions contained in the Section 401 water quality certification, and requirements contained within the Caltrans Statewide Stormwater Permit, Order No. 99 -06-DWQ. Additionally, it is imperative that immediate actions are taken to ensure that the project will be ready for the approaching rainy season as required by the Construction Stormwater Permit

The potential violations described above may subject your joint entity to possible future enforcement action by the Regional Board.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Questions regarding this Notice should be directed to Ms. Christina Arias. She may be reached by phone at (858) 637-3931, or email at [carias@waterboards.ca.gov](mailto:carias@waterboards.ca.gov). Written correspondence pertaining to this Notice should be sent via email to Ms. Arias.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

JHR:jo:dg:ca

CC:

Mr. Bruce April  
California Department of Transportation  
District 11, MS-242  
4050 Taylor Street  
San Diego, CA 92110

***California Environmental Protection Agency***

