
North Coast Regional Water Quality Control Board

April 24, 2013

Mr. Charlie Fielder, District 1 Director
California Department of Transportation
P.O. Box 3700
Eureka, CA 95501-3700

Subject: Notice of Violation for the Willits Bypass Project

File: Highway 101—Willits Bypass Project
WDID No. 1B10019WNME

Dear Mr. Fielder:

We find that the California Department of Transportation has violated condition 41 of the Clean Water Act Section 401 water quality certification for the Willits Bypass Project (401 certification), as well as the Caltrans statewide stormwater permit (Order No. 99-06-DWQ), which requires Caltrans to comply with the terms of the statewide construction general permit (CGP) (Order No. 2009-0009-DWQ). This notice of violation is supported by our April 9, 2013, construction inspection findings of the Willits Bypass Project (see attached inspection summary: photos and descriptions).

Please submit a report detailing violation fixes and measures to prevent violation reoccurrences. Please include photos as appropriate and submit no later than May 6, 2013.

401 Certification Violation

Condition 41 of the 401 certification requires:

Caltrans shall establish and clearly define stream setbacks that limit construction activities and prohibit ground disturbing activities within 50 linear feet of streams during the rainy season (October 15th to May 15th). If an exception from this requirement is needed for a specific location, Caltrans shall request approval from the Regional Water Board at least 5 working days in advance. At no time shall in-stream activities be conducted outside the work window of June 15th to October 15th. Exceptions may be granted by the Executive Officer of the Regional Water Board on a case by case review, only if the streams are dry or have minimal flow, and CDFG and NMFS have concurred.

Caltrans violated this condition by disturbing soils at three general locations adjacent a tributary to Davis Creek. The soil disturbance appeared to be caused by operating heavy equipment in wet soils during tree clearing operations. Use of the equipment resulted in significant rutting and exposure of soils within 50 feet of the tributary to Davis Creek. Refer to photographs 5, 6, and 8 for examples of the soil disturbance.

Statewide Stormwater Permit Violations

Order No. 99-06-DWQ requires Caltrans comply with the conditions of the CGP. The following CGP conditions were violated:

1. Attachment E, Provision E.1—*Risk Level 3 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.*
 - The southern-most construction access location was unstabilized. Contractor and Caltrans staff noted it was unstabilized to allow access for California Highway Patrol vehicles (see photo 2).
 - An area adjacent the eastern bank of a Davis Creek tributary did not have perimeter control installed (see photo 6).
2. Attachment E, Provision E2—*Risk Level 3 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.*
 - An area adjacent southbound 101 and directly across from the Haehl Creek construction entrance was disturbed and without erosion and sediment control (see photo 1).
 - An area of concern is the construction access road descending to Haehl Creek (see photos 3 and 4). The road showed evidence of recent concentrated flow and erosion. An appropriate level of erosion and sediment controls must be adopted to avoid similar recurrences of erosion and concentrated flow down the roadway.

If you have any questions regarding this notice of violation, please contact either: Mark Neely at (707) 576-2689 or Mark.Neely@waterboards.ca.gov; or Mona Dougherty at (707) 570-3761 or Mona.Dougherty@waterboards.ca.gov.

Sincerely,

Fred J. Blatt
Division Chief
Nonpoint Source and Timber Harvest Division

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Attachment: Inspection Summary Willits Bypass Project April 9

cc list:

Ms. Katrina Pierce
California Department of Transportation
North Region Environmental
P.O. Box 911
Marysville, CA 95901

Mr. Bill Orme
SWRCB
Cert and Wetlands Program Manager
Division of Water Quality

Ms. Jane Hicks
U.S. Army Corps of Engineers
Regulatory Functions
1455 Market Street
San Francisco, CA 94103-1398

Mr. Greg Gholson
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. David Melendrez
California Department of Transportation
1656 Union Street
Eureka, CA 95501