

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2014-0023

REQUIRING TECHNICAL INFORMATION PURSUANT TO
WATER CODE SECTION 13267

California Department of Transportation
CDOT – Highway 101 Willits Bypass Project
WDID No. 1B10019WNME
Mendocino County

and

DeSilva Gates Construction

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The California Department of Transportation (Caltrans), as project applicant for the Highway 101 Willits Bypass (Project), is regulated by the following permits administered by the Regional Water Board:
 - a) Clean Water Act section 401 Water Quality Certification (Certification) as WDID No. 1B10019WNME; and
 - b) Order No. 2009-0009-DWQ, the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP).
2. The Regional Water Board submitted a draft request for technical reports to Caltrans and DeSilva Gates Construction on September 19, 2013 (“draft Order,” attached). The draft requested information related to import of fill material and use of construction water. Caltrans and DeSilva Gates have submitted all required technical reports to the satisfaction of the Regional Water Board Executive Officer, with the exception of ongoing reporting related to use of construction water for dust control and compaction.
3. Regional Water Board staff has been informed by Caltrans that DeSilva Gates Construction (DeSilva Gates) has a contractual agreement with Caltrans to construct some or all of the Project. The General Conditions portion of the Certification (page 17), states: “All conditions of this order apply to Caltrans (and all its employees) and all contractors (and their employees), sub-contractors (and their employees), the land manager, and any other entity or agency that performs activities or work on

the project (including the off-site mitigation lands) as related to this Water Quality Certification.”

4. Caltrans is required to file a CGP Notice of Intent for each construction project with disturbed soil areas exceeding one acre. Caltrans has filed a Notice of Intent for the Project and is subject to the requirements of the CGP.
5. For dust control and other construction purposes, Caltrans has applied, and may continue to apply, hundreds of thousands of gallons of groundwater and other waters to the Project site. DeSilva Gates Construction has procured groundwater from various private sources throughout Little Lake Valley. Other water used includes treated effluent from the Willits Wastewater Treatment Plant (WWTP).
6. There are several known areas of groundwater contamination within Little Lake Valley. Accordingly, this groundwater and/or surface water may contain elevated levels of constituents of natural or anthropogenic origin that could impact water quality if discharged to the Project site. Groundwater and/or surface water could also be withdrawn in quantities that impact hydraulic gradients and allow discharge of pollutants from one aquifer to another, or exacerbate areas of contaminated soil and/or groundwater in the vicinity of withdrawal.
7. CGP Provision III.C requires that water used for dust control does not: cause or contribute to a violation of any water quality standard; contain toxic constituents in toxic amounts; or, does not contain other significant quantities of pollutants. Regional Water Board staff has reviewed water quality data for groundwater used by Caltrans and DeSilva Gates during the 2013 construction season and did not find any indication that use of the water would result in a violation of Provision III.C. However, there is a need to review water quality data for all future uses of groundwater or other waters used in construction site dust control or compaction operations to ensure that its use would comply with CGP Provision III.C
8. This Order requires Caltrans and DeSilva Gates to provide groundwater pumping locations and volumes. Provision of this information will help Regional Water Board staff determine if there may be a water quality threat to State waters associated with groundwater withdrawal and application activities.
9. The Regional Water Board has received public inquiries, concerns and complaints related to the removal and placement of groundwater, including concerns that excessive groundwater pumping has impacted nearby wells.
10. Technical reports required by this Order are necessary to ensure that any threats to water quality created by the discharges or potential discharges described above are properly identified and controlled and to further determine compliance with the Certification and CGP. Therefore, the burden of the costs associated of the required

reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

11. This request for information related to groundwater and/or surface water and soil removal and application is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a request made pursuant to Water Code Section 13267 may subject you to administrative civil liability of up to \$1,000 per day for each day in which a violation occurs.
12. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and title 23, California Code of Regulations, section 2050-2068. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. Information on the petition process may be found at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267, Caltrans and DeSilva Gates Construction shall provide the following technical reports:

1. For the duration of Project construction, reports shall be submitted to the Regional Water Board every two weeks if pumped groundwater is used for Project dust control or compaction activities. The reports shall include:
 - a. The exact location of the groundwater source(s);
 - b. The volume of groundwater withdrawn during the two week period; and,
 - c. Water quality data, if not already provided to the satisfaction of the Regional Water Board. Water quality data shall include testing of metals (full list), volatile organic compounds (USEPA method 8260, full list); semi-volatile organic compounds (USEPA method 8270, full list), total petroleum hydrocarbons (TPH, purgeable), and total petroleum hydrocarbons (TPEH, extractable).
New water quality data shall be submitted each construction season for each well location, including those locations sampled per the Draft Order requirements. Water quality data must be reviewed by Regional Water Board staff and found acceptable prior to use. Data will be reviewed within seven business days after submittal to the Regional Water Board. The Regional Water Board may either not approve, or require more frequent testing of groundwater extracted near areas of known groundwater contamination.

2. For the duration of Project construction, reports shall be submitted to the Regional Water Board every two weeks to document all water, other than groundwater, that is used for Project dust control or compaction activities. The reports shall identify the source of the water and provide water quality data, if not previously provided to the satisfaction of the Regional Water Board. Water quality data shall include testing of metals (full list), volatile organic compounds (USEPA method 8260, full list); semi-volatile organic compounds (USEPA method 8270, full list), total petroleum hydrocarbons (TPH, purgeable), and total petroleum hydrocarbons (TPEH, extractable).

Water quality data must be reviewed by Regional Water Board staff and found acceptable prior to use. Data will be reviewed within seven business days after submittal to the Regional Water Board. New water quality data shall be submitted each construction season for each supply source location, including the WWTP water sampled per the Draft Order requirements.

If Caltrans and/or DeSilva Gates Construction are unable to perform any activity or to submit any documentation in compliance with the deadlines in this Order, Caltrans may submit a written request to the Executive Officer for an extension of the time schedule. The written extension request shall explain why the delay is beyond the reasonable control of Caltrans and must be received by the Regional Water Board no less than 5 calendar days prior to the respective deadline. An extension may be granted by the Executive Officer, for good cause, in which case this Order will be accordingly revised.

All information provided in response to this Order shall include the following signed certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The foregoing reports are needed to address the potential water quality threats associated with groundwater and/or surface water withdrawal and application, and excavation and placement of soil. The reports required by this Order will allow Regional Water Board staff to determine the measures that may be needed to protect water quality. In addition, the information within the required reports may be used to determine if Waste Discharge Requirements, a Waiver of Waste Discharge Requirements or, enforcement actions such as Cease and Desist Order, Cleanup and Abatement Order, or Administrative Civil Liability Order are necessary.

Ordered by _____

Matthias St. John
Executive Officer

March 18, 2014

14-0023_CDOT_WillitsBypass_13267

Attachment: Draft 13267 Order, September 19, 2013