



California Regional Water Quality Control Board Central Valley Region



Linda S. Adams
Secretary for
Environmental Protection

Redding Office
415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>

Arnold Schwarzenegger
Governor

6 July 2006

CERTIFIED MAIL

7003 3110 0002 0399 7209

Brian Crane, District Director
California Department of Transportation
District 2
P.O. Box 496073
Redding, CA 96049-6073

CERTIFIED MAIL

7003 3110 0002 0399 7216

Jim Pena, Forest Supervisor
United States Forest Service
Plumas National Forest
P.O. Box 11500
Quincy, CA 95971-6025

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0715, UNAUTHORIZED DISCHARGE OF FILL MATERIAL TO SURFACE WATERS, WINDY POINT DISPOSAL SITE, STATE HIGHWAY 70 MILEPOST MARKER 38.1, CONCOW, BUTTE COUNTY

The enclosed Cleanup and Abatement Order (C&A Order) is issued by the Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board). It directs you to cease the discharge of earthen materials, soil, sediment, sediment-laden and turbid storm water to waters of the state and to adequately engineer and reconstruct Windy Point utilizing appropriate short and long term site stabilization strategies. The discharge of earthen materials, soil, sediment, sediment-laden and turbid storm water to waters of the state occurred in violation of the California Department of Transportation (Caltrans) General Storm Water Permit Order No. 99-06-DWQ (Caltrans Permit), and current site conditions constitute a continued threat to surface water quality.

The C&A Order requires that you: (1) immediately cease your discharge of earthen materials, soil, sediment, sediment-laden and turbid storm water to waters of the state; (2) by **1 July 2006**, obtain and submit to Central Valley Water Board written approval from United States Forest Service (USFS) of the proposed work schedule and plan describing the erosion and sediment control measures to be used to stabilize Windy Point; (3) by **15 July 2006**, cleanup, stabilize and armor the PG&E road as stated in the 27 June 2006 Caltrans Proposed Windy Point Disposal Site Slope Repair Plan & Schedule (Caltrans Repair Plan); (4) by **15 August 2006** secure funding for \$500,000 for implementation of the Caltrans Repair Plan; (5) by **30 September 2006**, implement all stabilization, bioengineering and reconstruction measures as outlined in Caltrans Repair Plan; (6) by **15 October 2006** complete surface erosion control measures as outlined in Caltrans Repair Plan; (7) by first rains begin water quality monitoring/sampling and Windy Point site Best Management Practices (BMPs) inspections and reporting as ordered in the C&A Order and (8) provide site status reports, complete with photo documentation and narrative discussion on tasks completed and tasks to be completed for each month activities by the 10th day of the following month to the Central Valley Water Board.

Failure to comply with a C&A Order or the dates specified may result in further enforcement actions under Section 13350, 13385 and 13387 of the California Water Code, which allows for administrative civil liability up to a maximum of five thousand dollars (\$5,000) for each day of violation.

The discharge of pollutants to waters of the State has exposed you to possible further enforcement action. Under Section 13350 and 13385 of the California Water Code, the Central Valley Water Board can impose administrative civil liabilities for violations of the water Code and violations of the C&A Order. The maximum administrative civil liability for each day of violation is ten thousand dollars (\$10,000) per day per violation and ten dollars per gallon of discharge in excess of 1,000 gallons.

If you have any questions, please contact Scott A. Zaitz at (530) 224-4784 or George D. Day at (530) 224-4859.

JAMES C. PEDRI, P. E.
Assistant Executive Officer

GD/SAZ: sae

Enclosures: Cleanup and Abatement Order R5-2006-0715

cc with encl: Mr. Mark Beaulieu, Forest Engineer, USDA Forest Service, Plumas National Forest, Quincy
Mrs. Tricia D. Christofferson, Public Services Staff, USDA Forest Service, Feather River Ranger District, Oroville
Mr. Jim Rogers, Resident Engineer, Caltrans Chico Construction Field Office, Chico
Mr. Ted Schultz, Caltrans North Region NPDES Coordinator, Redding
Mr. Chris Fazzari, Caltrans Environmental Construction Liaison, Redding
Mr. Scott Jarvis, Caltrans Construction Manager, Redding
Mr. Bob Sheffield, Caltrans Maintenance Disposal Site Coordinator, Redding
Mr. Brent Clements, Caltrans, Construction Storm Water Coordinator, Redding
Mr. Mike Rose, Caltrans, Construction Engineer, Redding
Mr. Mike Small, Pacific Gas & Electric, Storrie
Mr. Jack Warson, Butte County Department of Public Works, Oroville
Ms. Laura Whitney, U.S. Army Corps of Engineers, Regulatory Unit, Sacramento

Caltrans_WindyPointCAOcoverletter



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO.R5-2006-0715

FOR
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 2
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
UNITED STATES FOREST SERVICE
PLUMAS NATIONAL FOREST

WINDY POINT DISPOSAL AREA
BUTTE COUNTY

This Order is issued to State of California Department of Transportation, District 2 and the United States Department of Agriculture, United States Forest Service, Plumas National Forest based on provisions of California Water Code Section 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) to issue a Cleanup and Abatement Order (Order).

The Executive Officer of the Central Valley Water Board, finds that:

1. The United States Department of Agriculture, United States Forest Service (USFS) is the owner of the Windy Point Disposal Area (Windy Point). Plumas National Forest administers the use of Windy Point. The property is located on the eastern side of State Highway 70 at milepost marker 38.1 in the NW $\frac{1}{4}$ of Section 18, Township 22 North, Range 5 East, MDB&M, Butte County. Windy Point is in the Feather River Canyon with surface water runoff to an unnamed tributary to the North Fork Feather River.
2. In 1981 a special use permit (No. 1011-04) was granted by the USFS to the State of California Department of Transportation (Caltrans) District 2 for several disposal sites along the North Fork Feather River including Windy Point. In 1997 a new special use permit was obtained by Caltrans to expand Windy Point to the west. In 2002 an amendment was issued to the 1997 special use permit to expand Windy Point once again to approximately one acre.
3. Based on the memory of Caltrans staff most familiar with the use of Windy Point estimates that approximately 2,500 cubic yards of material was disposed there between 1981 and 1997; 3,000 cubic yards from 1997 to 2002; 2,500 cubic yards from 2002 to 2005 and a total of 14,000 cubic yards during the 2005/2006 wet weather season. On 21 March 2006 Caltrans met with USFS on site and was advised to discontinue the use of Windy Point for disposal of slide and slough materials due to the slope failure and site instability. Windy Point is not currently being used for disposal of slide and slough materials.
4. On 31 December 2005 work started on the Highway 70 Emergency Storm Damage Project. On 1 January 2006, Caltrans started hauling slide materials consisting of mud, soil, sediment, earthen materials, and rock to Windy Point. On 2 January 2006 Caltrans

verbally approved an Expenditure Account (EA). On 10 January 2006, Caltrans assigned EA Number 02-3C5404 and Contract Number 02A0729 to conduct emergency storm damage work on Butte County Highway 70 post mile 35.2/48.1.

5. On 15 July 1999 Caltrans obtained permit coverage pursuant to National Pollutant Discharge Elimination System (NPDES) for Storm Water Discharges from Caltrans Properties, Facilities, and Activities NPDES Permit No. CAS000003, Order No. 99-06-DWQ (Caltrans Permit). Storm water discharges from Caltrans properties, facilities, and activities are regulated under the Caltrans Permit. Discharge Specification H.2 of the Caltrans Permit directs Caltrans to comply with all requirements of the State Water Resources Control Board (State Water Board) NPDES General Permit For Storm Water Discharges Associated With Construction Activity, NPDES No. CAS000002, Order 99-08-DWQ (Construction General Permit), with the exception of the administrative process of filing a Notice of Intent and/or Terminations for each project.
6. On 7 February 2006 Central Valley Water Board staff received notification from Caltrans that Windy Point had experienced a dirt berm failure at the top of the fill and that this failure led to erosion down the working face of the fill discharging sediment into an unnamed tributary to North Fork Feather River. On 8 February 2006 Central Valley Water Board staff contacted Caltrans and requested photo documentation of site conditions and of the additional erosion and sediment control Best Management Practices (BMPs) deployed to stabilize the site. On 17 February 2006 Central Valley Water Board staff received photo documentation of the additional BMPs deployed to stabilize Windy Point. On 22 March 2006 Central Valley Water Board staff received correspondence from Caltrans indicating that Windy Point had experienced another slope failure due to unrelenting rains and that they were going to meet with USFS to develop a long-term plan for the stabilization of the site. On 23 March 2006 Central Valley Water Board staff requested a written report with photo documentation regarding the failures of the BMPs deployed and the short and long term fixes proposed for Windy Point to be submitted by 31 March 2006. On 30 March 2006 Caltrans submitted an inadequate summary that did not address long-term site stabilization strategies and it did not meet the reporting requirements set forth in Caltrans Permit Receiving Water Limitations 3(a) & 3(b).
7. On 18 April 2006, Central Valley Water Board staff, responding to numerous notifications, inspected Windy Point and verified that the site had experienced a massive slope failure discharging sediment and soil to an unnamed tributary to North Fork Feather River. The top bench area was muddy and saturated and had hay bales and broadcast straw deployed but these BMPs had not been maintained. The top bench area also had numerous tension fractures indicative of a potential additional impending slope failure. The active face of the slide was littered with hay bales and straw wattles that had been deployed earlier in the year. Numerous erosion gullies were observed on the Windy Point slope that did not fail indicating that the deployment

of hay bales and straw wattle was ineffective in stabilizing the slope. Background and storm water samples were taken from Windy Point and laboratory analysis confirmed that the numeric water quality objective for turbidity was exceeded and the narrative water quality objective for sediment, suspended material and settleable material were also exceeded. The discharge of sediment, sediment-laden and turbid storm water violates the following sections of the Caltrans Permit:

General Discharge Prohibitions A.1, which states:

“Any discharge from Caltrans right-of-way or Caltrans properties, facilities, and activities within those rights-of-way that is not composed entirely of “storm water” to waters of the United States is prohibited....”

General Discharge Prohibitions A.2, which states:

“The discharge of pollutants or dredged or fill material to waters of the United States is prohibited.”

General Discharge Prohibitions A.3, which states:

“The discharge of waste to waters of the State in a manner causing or threatening to cause a condition of pollution or nuisance is prohibited.”

General Discharge Prohibitions A.4, which states:

“The dumping, deposition, or discharge of waste by Caltrans directly into waters of the State or adjacent to such waters in any manner that may allow its being transported into waters is prohibited.”

General Discharge Prohibitions A.6, which states:

“The discharge of sand, silt, clay or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect or threaten to affect beneficial uses of such waters is prohibited.”

C-2 Receiving Water Limitations for Construction Activities No. 1, which states:

“Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not adversely impact human health or the environment.”

C-2 Receiving Water Limitations for Construction Activities No. 2, which states:

“The SWPPP developed for the construction activity covered by this NPDES permit shall be designed and implemented such that storm water discharges

and authorized non-storm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Basin Plan.”

C-2 Receiving Water Limitations for Construction Activities No. 3a, which states:

“Should it be determined by Caltrans, SWRCB or RWQCB staff that storm water discharges and/or authorized non-storm water discharges are causing or contributing to an exceedance of an applicable water quality standard, Caltrans shall...Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification of the RWQCB by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 days to the appropriate RWQCB describing (1) the nature and case of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.”

C-2 Receiving Water Limitations for Construction Activities No. 3b, which states:

“Caltrans shall revise its SWPPP and monitoring program immediately after the report to the RWQCB to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.”

8. On 30 May 2006, the Central Valley Water Board issued a Notice of Violation (NOV) to Caltrans for the discharge of earthen materials, soil, sediment, sediment-laden and turbid storm water to surface waters and a request for submittal of technical reports by 15 June 2006.
9. On 15 June 2006, the Central Valley Water Board received technical reports stating that 2,748 cubic yards of material slid down hill at Windy Point, 654 cubic yards of material was retained below the original slope and that 2,094 cubic yards of material was discharged from Windy Point. At the spring fed bank failure below Windy Point and above the Pacific Gas & Electric (PG&E) Access Road 234 cubic yards of material was discharged into the unnamed tributary. At the PG&E Access Road location, 85 cubic yards of material was removed from the unnamed tributary. At the Bardee's Bar Road location, 193 cubic yards of material was deposited on the road.

10. The U.S. Army Corps of Engineers (Corps) is in the process of issuing Caltrans a federal Clean Water Act (CWA) Section 404 permit under Regional General Permit (RGP) #60, "For Repair and Protection Activities in Emergency Situations". The State Water Board certified RGP#60 on 30 March 2004.
11. The soil and sediment deposited into waters of the state constitute "waste" as defined in California Water Code Section 13050. Caltrans, who operates the site, has discharged waste, i.e., earthen material, soil, and sediment, directly into surface waters, which are waters of the state and waters of the United States. Caltrans, through this activity, has caused waste to be discharged where it has caused a condition of pollution or nuisance by increasing levels of sediment, settleable and suspended material.
12. Failure to adequately engineer and reconstruct Windy Point will result in the continued threat of further discharges of earthen material, soil, sediment, and sediment-laden and turbid storm water to surface waters.

AUTHORITY – LEGAL REQUIREMENTS

13. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Board. The beneficial uses of the Sacramento River and its tributaries, as identified in Table II-1 of the Basin Plan are municipal and domestic supply; industrial; and agricultural supply; water contact and other non-contact recreation; aesthetic enjoyment; navigation; ground water recharge, fresh water replenishment; and preservation and enhancement of fish, wildlife, and other aquatic resources.
14. The Basin Plan lists specific water quality objectives for inland surface waters. These objectives include limitations on sediment, settleable and suspended material, and turbidity. Based on staff observations, Caltrans' activities have resulted in the discharge of waste, e.g., earthen material, soil, sediment, and sediment-laden and turbid storm water into surface waters and surface water drainage courses and placed waste in areas where it threatens to discharge into surface water drainage courses during subsequent storm events. The discharge of waste and pollutants to surface waters has created a condition of pollution and threatens to continue to create a condition of pollution or nuisance when earthen materials are transported in storm water during the rainy season to downstream receiving waters increasing levels of sediment, settleable and suspended material.
15. Section 13304(a) of the California Water Code provides that:

“Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the fact may warrant.”

16. Section 13304(c)(1) of the California Water Code provides that:

“If the waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any governmental agency, the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action. The amount of the costs is recoverable in a civil action by, and paid to, the governmental agency and state board to the extent of the latter’s contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account or other available funds.”

17. Section 13267(b)(1) of the California Water Code provides that:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board

requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

18. The State Water Board has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, California Code of Regulations (CCR) Section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.
19. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the State Water Board’s policy for managing contaminated sites. This policy is based on California Water Code Sections 13000 and 13304, Title 27, Division 2, Subdivision 1 regulations, and State Water Board Resolution Nos. 68-16 and 92-49. The policy addresses site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the bases for establishment of cleanup levels.

DISCHARGER LIABILITY

20. The Basin Plan lists specific water quality objectives for inland surface waters. These objectives include limitations on sediment, settleable and suspended material, and turbidity. Based on staff observations, Caltrans’ activities have resulted in the discharge of waste, e.g., earthen material, soil, sediment, and sediment-laden and turbid storm water into surface waters and surface water drainage courses and the current condition of the disposal site, if it is not adequately engineered and reconstructed, threatens to continue to discharge earthen material, soil, sediment, and sediment-laden and turbid storm water into surface waters and surface water drainage courses during subsequent storm events. The discharge of waste and pollutants to surface waters has created a condition of pollution and threatens to continue to create a condition of pollution or nuisance when earthen materials are transported in storm water during the rainy season

to downstream receiving waters increasing levels of sediment, settleable and suspended material.

21. As described in Findings 1 through 12, Caltrans is subject to an order pursuant to California Water Code Section 13304 because Caltrans has caused or permitted waste (soil, sediment, earthen materials and rock) to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup or abatement order pursuant to California Water Code Section 13304 is appropriate and consistent with policies of the Central Valley Water Board.
22. This Order requires investigation and cleanup of the site in compliance with the California Water Code, the Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations.
23. Caltrans is subject to an order pursuant to California Water Code Section 13267 to submit technical reports because existing data and information about the site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the site which is owned by the United States Department of Agriculture, United States Forest Service and operated by Caltrans. The technical reports required by this Order are necessary to assure compliance with this Order and Section 13304 of the California Water Code, including, to adequately investigate and cleanup the site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment. The technical reports are necessary to demonstrate that appropriate methods will be used to clean up waste discharged to surface waters and to ensure that cleanup complies with the California Water Code and Basin Plan requirements.
24. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, CCR.
25. This Order does not protect Caltrans from any other enforcement action addressing violations caused by unlawful discharges of waste documented in this Order.
26. This Order does not relieve Caltrans from complying with any applicable local, state or federal laws.
27. Any person adversely affected by this action of the Central Valley Water Board may petition the State Water Board to review the action. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and

regulations applicable to filing petitions may be found on the Internet at www.waterboards.ca.gov/centralvalley or will be provided upon request.

IT IS HEREBY ORDERED THAT, pursuant to Sections 13267 and 13304, of the California Water Code, and Resolution 92-49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*, and with the Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*; the United States Department of Agriculture, United States Forest Service (USFS) and State of California Department of Transportation, (Caltrans) District 2 shall clean up the waste and abate forthwith the existing and threatened effects of waste discharged at the site. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates below. More specifically, Caltrans shall:

1. Cease the discharge of earthen materials, soil, sediment, sediment-laden and turbid storm water to waters of the state and clean up and abate, in accordance with the schedule in No. 2 below, the condition of earthen materials, soil, sediment, sediment-laden and turbid storm water discharged or placed into intermittent and/or ephemeral surface water drainage courses and surface waters.
2. Compliance with No. 1 above shall include, but not necessarily be limited to, the following measures:
 - (a) By **1 July 2006**, obtain written approval from USFS of the work schedule and plan describing sediment and erosion control measures. Submit to the Central Valley Water Board the USFS approval provided in the form of a wet signature from the Forest Supervisor on USFS letterhead.
 - (b) By **15 July 2006**, clean up/stabilize the PG&E road crossing and place rock slope protection to armor road fill adjacent to road crossing as stated in the 27 June 2006 Caltrans Proposed Windy Point Disposal Site Slope Repair Plan and Schedule (Caltrans Repair Plan).
 - (c) By **15 August 2006**, secure funding for \$500,000 via California Transportation Commission Vote on 20 July 2006.
 - (d) By **30 September 2006**, stabilize the bank slope failure located below the disposal site via bioengineering measures; remove debris from channel below the bank slope failure and install rock check dams; reconstruct the disposal site slope including construction of rock slope protection (RSP) swale, engineered fill, fiber rolls, soil stabilizer on the fill slope, and straw bales/silt fence at the toe of the fill; grade Bardee's Bar road to satisfactory cross slope as stated in Caltrans Repair Plan.

- (e) By **15 October 2006**, complete surface erosion control measures (hydro seeding and mulch) as stated in Caltrans Repair Plan.
 - (f) By first rains, Caltrans shall begin monitoring water quality discharged from Windy Point, PG&E Access Road, Bardee's Bar Road and background (above or adjacent to Windy Point), including, taking water quality samples for turbidity, settleable solids and suspended solids if storm water discharges are causing or contributing to an exceedance of an applicable water quality standard(s) and reporting the test results to the Central Valley Water Board within 14 days. Caltrans shall inspect all reconstruction repairs made and all erosion and sediment control BMPs deployed in accordance with Finding #5 of this Order. Caltrans must prepare an inspection checklist for each pre and post storm event inspection as referenced in the Construction General Permit Section A: Storm Water Pollution Prevention Plan #11 Maintenance, Inspection, and Repair.
3. Caltrans shall provide site status reports, complete with photo documentation and narrative discussion on tasks completed and tasks to be completed for each month activities by the 10th day of the following month.
 4. If requested, reimburse the Central Valley Water Board for reasonable costs associated with oversight of actions taken in response to this Order. By **15 July 2006** submit the name and address to be used for billing purposes for oversight charges.
 5. The Executive Officer may refer this matter to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.
 6. Failure to comply with a cleanup and abatement order or the dates specified may result in further enforcement actions, including actions under section 13350, 13385, and 13387 of the California Water Code, which allows for administrative civil liability up to a maximum of five thousand dollars (\$5,000) for each day of violation.

PAMELA C. CREEDON, Executive Officer

6 July 2006

(Date)

GD/SZ: sae
7/6/06