

Appendix A
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
H	8/17/2006	Hydraulic fluid spill on gravel bar ¹	060817-01	9	\$10,000
A	08/21/2006	Construction Dewatering: Photo of discharge to Isolated Pool B. "4. A temporary sedimentation basin has been constructed and used within 100 feet of the live stream channel." ²	060821-01	9, 12, 17	\$30,000
H	8/22/2006	Equipment Fueling on Gravel Bar: "1. Equipment is being fueled on the riverbar at the north bridge. Our permit with the Regional Water Quality Control Board explicitly states that fueling must only occur outside of waters of the United States. At the PDI James Hamm acknowledged that they were fueling a compressor, generator, man-lift and backhoe." ²		13	\$10,000
B		Leaky Equipment: "2. A discharge of oil occurred from the backhoe directly onto the riverbar. Equipment that has minor leaks must not be allowed to operate in sensitive areas such as the riverbar. This discharge should have been reported to the RE and cleaned up immediately. There were no BMP's in place to prevent the discharged oil from reaching the riverbar." ²		9, 13	\$20,000
B	8/29/2006	Leaky Equipment: Oil leak on gravel bar ²	060829-01	9, 13	\$20,000
F		Improper Disposal of Cement Wastes: "On August 29, during placing a concrete in a corrugated steel pipe within the river, the water level rose and to prevent it from overflowing into the river, the water was pumped to the dewatering basin." ²		9, 17	\$20,000
F		Improper Disposal of Cement Wastes: "After placing the concrete seal course, the contractor cleaned the hopper, tremie and shovels in a footing excavation in the river bar." ²		9, 10, 17	\$30,000
D,E		Turbid Discharge to River from isolated pool B through gravel bar. No turbidity measurements were taken "Seeping through bar. After 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		9, 19	\$20,000
A		Construction Dewatering to Isolated Pool B: "... 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		9, 12, 17	\$30,000
F	8/30/2006	Concrete Washout to unlined area ²	060830-01 060830-02	9, 17	\$20,000
A		Construction Dewatering to Isolated Pool B: "... 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		9, 12, 17	\$30,000
D,E		Turbid Discharge to River from isolated pool B through gravel bar; No turbidity measurements were taken "Seeping through bar. After 8 hours of pumping from coffer dams set in bar to Isolated Pool B" ¹		7, 9, 19	\$30,000

A		Construction dewatering pumped into Isolated Pool B. "After 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹	060831-01	9, 12, 17	\$30,000
A	8/31/2006	Construction dewatering directly to gravel bar – "After this event the water was not pumped into the isolated pool but was pumped directly onto the gravel bar adjacent to the cofferdams. The gravel bar was at a minimum about 15 feet from the river, but the plume did not appear to go into the river." ²		9, 12, 17	\$30,000
E	9/1/2006	Insufficient Turbidity Measurements: Sediment plume lasted two minutes and persisted for approximately 5 minutes 20-30 feet downstream were caused by placement of gravel bags for placement of trestle footings. ⁷		19	\$10,000
D,E		Cement Discharge to River: "Temporary plume of fine sediments from cement seeping out bottom when seal cement poured." ^{1,2}	060901-01	9, 19	\$20,000
A	9/5/2006	Construction Dewatering: "ASR NOTE: ...I overheard Superintendent James Ham tell his employee to 'shut off the pump, you're pumping out too much water.' ...the pump was discharging to... Mr. Ham's feet on the outside of B5 cofferdam with rock saturated and no standing water. I also did not see any equipment to verify pH levels or any muratic acid to lower pH levels." ³		9, 12, 17	\$30,000
E	9/6/2006	Insufficient Turbidity Measurements: 1 st Heavy Vehicle Crossing caused a 200-foot plume for 25 minutes. No turbidity measurements were taken. ²	060906-01	19	\$10,000
D,E		Turbid Discharge to River "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area. One was from dewatering into a settlement basin and after about 8 hrs of pumping some turbidity was noticed emanating from the gravel bar." ³		7, 9, 19	\$30,000
A	9/7/2006	Construction Dewatering to Isolated Pool B: "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area... The other was during the seal course placement within the two CSP's for the trestle bent 3 foundations... A pump was running to lower the water level inside the CSP's which was ineffective until the water level rose due to the placement of the concrete seal course. Pumping was halted after the conc placement started. The water was pumped to a settlement basin against the river bank." ³		9, 12, 17	\$30,000
D,E		Turbid Discharge to River: "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area... The other was during the seal course placement within the two CSP's for the trestle bent 3 foundations... The conc was placed with a tremie pipe and during the first half yard of conc placement a small discharge was noticed... The discharges dissipated quickly		9, 19	\$20,000

		within about 50' (Rt CSP) to 100' (Lt CSP) as near as I could tell. Although there was some discussion of measuring the turbidity, Brad mentioned that it didn't appear to him that there was a 20% increase at 100'. ³			
F	9/8/2006	Cement Discharge: "...the water was tested for pH, treated with muriatic acid then pumped into the settlement basin. I estimate about 25 gal was pumped from the Lt CSP and perhaps 50 gal pumped from the Rt CSP based on the conc placed." ³	060908-01 060908-02	9, 17	\$20,000
D,E	9/9/2006	Turbid Discharge to River: Sediment Plume from placement of trestle footings. Improper BMPs and no turbidity measurements were taken. ² "RE Ron den Heyer came to my office with Carl Page and a photo of turbidity from drilling debris in the water around trestle foundation 4 Lt... Mitch... said that MCM was using a baffle to keep anchor rod hole cleanout debris within the 6' dia CSP... He also has told them previously that any debris on the planks over the CSP's had to be cleaned off into the CSP's." ³	060909-01 060909-02	9, 19	\$20,000
B		Leaky Equipment: Oil stained gravel on gravel bar photographed by Biological Monitor. ²	060909-03	9, 13	\$20,000
A	9/11/2006	Construction Dewatering: "Note: Mitch Shands on site intermittently some pumping of H2O out of CMP was done. This water was tested for pH per Mitch - was ~ same pH as the active channel."		9, 12, 17	\$30,000
F	9/13/2006	Cement Discharge: Improper disposal of cement wastes - "Workers dumped cement refuse onto edge of gravel bar." ²	060913-01	9, 17	\$20,000
C	9/15/2006	Welding Slag: "Env Issues: Span 4 is over the active channel - noticed some minor slag dropping into channel..." ³		9	\$10,000
G	9/18/2006	Rubbish Discharge to River: Rubbish in river (wood waste and rope). ²	060918-01 060918-02	9	\$10,000
C	9/21/2006	Welding Slag Discharge to River: "When the next weekly biologic monitor report comes out on Monday it will contain information regarding a discharge of welding slag and/or wire into the South Fork Eel River during construction of the trestle. This discharge is required to be reported to the Regional Water Quality Control Board (RWQCB). There were no BMP's in place to help prevent the discharge... The contractor attempted to prevent further discharge by placing a 5-gallon bucket of water under the welding locations. The buckets were only partly effective due to windy conditions. Please inform Justin Porteous, MFC, to investigate the incident and file an Attachment K as required by the SWPPP." ²	060921-01	9	\$10,000
G	9/22/2006	Rubbish Discharge to River: Rubbish and organic debris in river (wood scraps, sawdust, and trash) ²	060922-01 060922-02 060922-03 060922-04	9	\$10,000
		Trestle Construction. The MCM Trestle Construction Operation continues to discharge sawdust, cigarette butts, plastic and paper packaging and empty water	060922-05 060922-06		

		recycled I-beams, welding rods, oily rags and gloves, cut wood pieces, ...into the South Fork Eel main stem on a daily basis." ¹			
D,E		Turbid Discharge to River: 2 nd Heavy Vehicle Crossing caused a 400-foot plume visible for 30 minutes. Insufficient turbidity measurements taken – Horiba Meter not accurate. "Equipment cleaning was a pro-active measure taken for the first and third crossings, but it appeared to have not been done for the second crossing event witnessed by B. Norman... This was apparent by the much larger amount of dirt on the equipment during the second crossing compared to the other two crossings. No 'staging of the equipment' occurred immediately prior to the September 22 crossing... Note mud was still caked on after going through the clean cobble river bed." ²	060922-07 060922-08 060922-09 060922-10 060922-11 060922-12 060922-13 060922-14 060922-15	9, 19	\$20,000
B		Leaky Equipment: Photograph of dirt road with many oil stains. ¹	060926-01	9, 13	\$20,000
G	9/26/2006	Rubbish Discharge to River: Large flakes of rust and wood waste in river ¹	060926-02 060926-03 060926-04 060926-05 060926-06	9	\$10,000
G		Rubbish Discharge to River: Rust dropped into north-side main stem Eel River ¹	060927-01 060927-02 060927-03 060927-04	9	\$10,000
B	9/27/2006	Leaky Equipment: "Oil leaks above river on wooden trestle. The large trestle crane had this problem regularly." ¹ Photograph by Biological Monitor of oil stains on the trestle deck with rags and absorbent pads soaked with oil. ¹	060927-05	9, 13	\$20,000
E	9/28/2006	Insufficient Turbidity Monitoring: In stream prep-work: "Sediment plume caused by workers in the channel moving gravels off bedrock to set CMP 'footings cofferdams." Duration: 4 hours in pulses; Length 100 Feet; Turbidity: (4,5,5,4,3) in Plume / (0,0,..., 0) Upstream" ^{1,2} The turbidity measurements were not taken as required by the Certification making difficult the determination of water quality impacts.	060928-01 060928-02 060928-03	19	\$10,000
D,E	9/29/2006	Cement Discharge: Cement in mainstem from concrete footing seal pour. "Sandbags were then placed on the outside perimeter only, no sandbags were placed on the inside of the CMP. CONTR began placing seal coarse concrete @ 1701 hrs... CONTR began by placing the seal coarse in the #3 FTG. During the placement, it was apparent that the contractor did not have a good seal around the CMP. Concrete escaped from the CMP leaving a plume in the river approx 150'-0 in length." ² Insufficient turbidity measurements.	060929-01 060929-02 060929-03	9, 19	\$20,000
D,E		Cement Discharge: Silt in mainstem from cement footing seal pour.	060929-04 060929-05 060929-06	9, 19	\$20,000

"During the placement for the #4 FTG, the CONTR's

		tremie on the hopper came off. While trying to reattach the tremie, the CONTR worked around the CMP standing on the sandbags. A plume was evident but how much was concrete or how much was alga was hard to determine." ²			
F		Cement Discharge: Improper disposal of cement wastes on gravel bar "After the tremie was reattached, the CONTR resumed placing the seal course. To prevent the water from overflowing the CMP, the water (untreated) was pumped onto the gravel bar, approx 60'-0 from the rivers edge." ²	060929-07 060929-08 060929-09	9, 17	\$20,000
F		Cement Discharge: "Once the seal coarse operation was completed, the CONTR cleaned the hopper, tremie and shovels in the glory hole for 2-7's FTG. This was also observed by SR Garry Tolen." ³		9, 10, 17	\$30,000
E	10/2/2006	Turbid Discharge to River: 3 rd Heavy Vehicle Crossing caused a plume. Turbidity measurements show an increase from 0-2.0 NTU 100 feet down stream. "At 3:24 pm, the turbidity measurement 100-feet below the crossing area maintained a reading of 2.0 NTU's on the Horiba U-10 water quality meter." ²	061002-01	19	\$10,000
A	10/3/2006	Construction Dewatering: "A little after 1:00 Mitch Shands called to inform me the discharge from the dredge wasn't far from the steel plate cofferdam. I said it was supposed to be 100 ft from the river but we were allowing up against the bedrock because we couldn't get 100 ft. He said it was about 20 ft from the bedrock. He said Francisco Cordero, labor foreman, said they didn't have any more hose. I said that wasn't our problem and I'd come out to take a look." ²		9, 12, 17	\$30,000
B	10/5/2006	Leaky Equipment: Oil and diesel stains on the gravel bar were ID for cleanup." ³		9, 13	\$20,000
B	10/6/2006	Leaky Equipment: RWB Inspection - Backhoe in gravel bar with fluid leakage, Compressor and Crane with insufficient BMPs. "Staff observed a backhoe on the gravel bar near the north bridge that had excessive fluid leakage. Absorbent rags were stuffed into several crevices to control the leakage, however, that backhoe was not in an adequate condition for continued use near any river or gravel bar." ⁴	061006-01 061006-02 061006-03 061006-04.	9, 13	\$20,000
C		Welding Slag Discharge: RWB Inspection Welding on temporary trestle and over river channel, debris falling into water. "Staff observed welding on the temporary trestle and over the river channel. Welding slag was observed to be falling directly into the water and the adjacent gravel bar." ⁶ "Molten slag was observed dripping into the river at 2:20 pm, using no bucket to catch the excess. This activity was terminated, but not before noticeable amounts of slag, small sheets of rusty metal, welding rods, and other debris had accumulated in the river channel." ³		9	\$10,000

C		Steel Cutting: RWB Inspection – “Staff observed that rebar had been cut with a torch on the gravel bar without any containment. Steel slag and debris was deposited on the gravel bar within 150 feet of the high water mark, and where it may be washed into the river... Staff also observed steel being cut in the same area on the gravel bar. A small piece of plastic was placed under the saw; however, the plastic was not containing all the steel cuttings.” ⁴	061006-05	9	\$10,000
A		Construction Dewatering: “During our inspection staff observed use of a sedimentation basin on the gravel bar near the north bridge. Staff were informed that the same basin was used to dispose of water that contacted wet cement, as well as for the dewatering activities that caused the turbidity discharges described above.” ⁴	061006-01	9, 12, 17	\$30,000
A		Construction dewatering disposal on gravel bar ^{1, 2} “Dewatering of the footings on the gravel bar caused some concern and a mini-memo was delivered to Mr. Hamm at MCM. Silty water was not being deposited in the approved area 70-feet away from the river.”		9, 12, 17	\$30,000
D,E		Turbid Discharge to River: First Event – Plume noted during attempt to install last two footings for falsework trestle. No turbidity measurements taken. “After the CONTR made 3 passes the silt began to escape thru the silt fence. CONTR stopped digging and placed more filter sandbags. The plume dissipated in about ½ hr.” ² “Caltrans admits the presence of the silt fence in the river, intended to be containment for the anticipated release of turbid waters from in-stream excavation of cofferdam spoils was not the proper BMP.” ^{1, 6}	061007-01 061007-02	9, 17, 19	\$30,000
D,E	10/7/2006	Turbid Discharge to River: Second Event – Silt from cement GMP footing seal pour. No turbidity measurements taken. “The CONTR then made a 2 nd attempt at excavating the footings. After about 6 passes, the silt again began to escape and leave a plume... Mr. Ham stated that the plastic wouldn’t work, that the water is coming up thru the rock (Bottom) and using bladder bags would not give him enough room to work...” ³		9, 17, 19	\$30,000
D,E		Turbid Discharge to River: Third Event – “...Mr. Ham then stated that he was at least two thirds complete and everyone from the agencies are probably home now so he was going to go back down and complete the remaining excavation work... CONTR’s SUBMITTAL IS INCOMPLETE AND HAS NOT BEEN APPROVED! CONTR IS PERFORMING WORK AT HIS OWN RISK.” ³		9, 17, 19	\$30,000
B	10/11/2006	Leaky Equipment: “Inspections of machinery identified two problems. The IR compressor leaks excessively, and diapers and plastic sheets have been employed for a long		9, 13	\$20,000

		time but the leaks increase. The second unidentified leak from the Manotowic crane grows worse. Plastic sheeting catching oil and hydraulic leaks have also spilt onto the false bridge deck on several occasions." ¹			
B	10/12/2006	Leaky Equipment: "Oil and diesel stains on the gravel bar were identified for cleanup... I discovered a large oil stain under one piece of machinery at noon, not cleaned up by 1:30, raised concerns...keeping the gravel bar clean is a constant battle to control the accumulation of debris, oil, and hydraulic fluids." ¹ Photo of an oil spill under the backhoe. ¹ Photo of an air compressor with plastic sheeting spilling its contents onto the river bar. ¹ Photo of leaking crane on trestle with plastic sheeting spilling its contents. ¹	061012-01 061012-02 061012-03	9, 13	\$20,000
E	10/14/2006	Insufficient Turbidity Measurements: Two discharges during construction of in-stream footings. "The area around the footing to be excavated was isolated from active flow with the use of a fabric material, fence posts, and sand bags. This initial attempt produced a notable plume outside the containment area, and was ceased until improvements were made. The second attempt proved ineffective due to subsurface flow through the isolation area and porosity of the fabric. No turbidity measurements were taken." ¹		19	\$20,000
D	10/16/2006	Cement Discharge: "At 17:10, when pour concrete at 1 footing by the river (bent 2-4), there were minor leak [sic]" ³		9, 19	\$20,000
E		Insufficient Turbidity Measurements: In-channel prep-work for installation of steel containment shroud. Hand work resulted in 8'x3' plume for 15 min. Insufficient turbidity measurements. ¹	061016-01	19	\$10,000
G		Rubbish Discharge to River: Rust on I-beam uncontained over river, and wood waste and trash in the river." ²	061016-02 061016-03 061016-04 061016-05 061016-06 061016-07 061016-08 061016-09 061016-10	9	\$10,000
C	10/17/2006	Steel Cutting Discharge: "Welding slag was discharged to the river and cleaned up immediately" ¹ "Found a welder attaching angles to the cofferdam template with no attempt to catch splatter/slag. I told them they were not allowed to drop material into the water and they hung a bucket under the work which caught about half of the falling material." ³	061017-01 061017-02 061017-03 061017-04 061017-05 061017-06	9	\$10,000
C	10/18/2006	Steel Cutting Discharge: Steel Cutting on gravel bar without containment ¹ "Garry came to jobsite and pointed out that the welding slag remaining on the riverbed needed to be cleaned." ³	061018-01	9	\$10,000

E		Insufficient Turbidity Measurements: Sheet piles were pounded into place, resulting in a 25'x6' plume for 20 min during cofferdam installation. Insufficient turbidity measurements. ¹	061018-02	19	\$10,000
C	10/20/2006	Welding Slag on gravel bar. Photograph ¹	061020-01	9	\$10,000
D,E		Cement Discharge to River: Concrete seal course pour resulted in a 2'X4' plume for 5 min. No turbidity measurements ¹	061020-02	9, 19	\$20,000
C	10/24/2006	Steel Cutting going into river ¹ - "I observed a worker cutting plate steel with a cutting torch on the river bed." ²	061024-01 061024-02 061024-03 061024-08	9	\$10,000
G		Rubbish Discharge to River: "Large flakes of rusty metal from I-beams and slag from continuous welding accumulated on the gravel bar. These were temporarily cleaned up, but those in the river remain." ¹		9	\$10,000
G	10/25/2006	Rubbish Discharge to River: "A punch list was developed to return the gravel bar to its natural state by the end of the month. They included removing various debris from Split-set and welding rods around railing and wood scraps, sawdust, plastic and food wrappings. Molten slag on rocks and in the sand on both sides of river needed removal as well. Large rust flakes on both banks and in the river have accumulated and require removal also." ¹	061025-01 061025-02 061025-03	9	\$10,000
C		Steel Cutting: "~0830...I went down to the gravel bar and found some 3x3 angles that had been spliced on the gravel bar and a worker cutting plate steel with the slag falling on the gravel." ³		9	\$10,000
C	10/26/2006	Welding slag discharge to gravel bar - "...Observed welder in the manlift welding longitudinal force transfer clips onto the trestle beams with much of the debris falling to the gravel bar..." ³	061026-01	9	\$10,000
C		Welding slag going into river ¹ - "Rich came with Carl, pointed out MCM cutting, welding at gravel bed. The site was later cleaned by the contractor..." "...one of his [Ham's] workers was on the southerly side of the river cutting steel plates to go around FW columns in bent 2-3 with nothing under it to catch the slag. He said well I guess he'll have to clean it up. I said yes, but he shouldn't be cutting that way anyway." ³	061026-02	9	\$10,000

G		Rubbish Discharge to River: Photo of large flakes of rust from I beams uncontained and falling to gravel bar and river. ²	061026-03	9	\$10,000
B	10/27/2006	Leaky Equipment: "Oil leaks continue to occur without adequate cleanup or prevention with the standard kiddy pools and diapers. Most of the heavy equipment used on this project is old and leak constantly. Overnight oil spots are often not prevented and typically just covered up with soil. The worst offenders are the Manitowoc crane on the false bridge, the LINK man lift on the gravel bar, and the CAT 350. This has been brought to the attention of the RE on many occasions. The plastic 'tarps' placed under the crane constantly spills its contents onto its tracks and the bridge decking." ¹ Photograph of oil contained by plastic sheeting. ¹	061027-01 061027-02 061027-03	9, 13	\$20,000
C	10/28/2006	"Welding Slag continued to fall into the river without adequate mitigation." ¹		9	\$10,000
B		Leaky Equipment: Photograph of oil stained gravel on the gravel bar ¹	061028-01 061028-02	9, 13	\$20,000
B	10/30/2006	Leaky Equipment: Photographs of fresh oil stains on the trestle deck and the Manitowoc crane on the trestle deck with a plastic diaper. ¹ Photograph of oil stains along the access road in front of the Caltrans office. ¹ Photograph of an oil stain underneath piece of equipment	061030-01 061030-02 061030-03 061030-04 061030-05 061030-08 061030-09 061030-10 061030-11	9, 13	\$20,000
C		Steel Cutting: Large steel plate and cuttings in the river	061030-06 061030-07	9	\$10,000
G		Rubbish Discharge to River: in river: Photograph of flakes of rust in the river. ¹	061031-01	9	\$10,000
C	10/31/2006	Steel Cutting: Steel plates still in river from the day before.	061031-02 061031-03	9	\$10,000
B		Leaky Equipment: Photograph of an oil leak from a large piece of equipment on a dirt road. ¹	061031-04	9, 13	\$20,000
C	11/1/2006	Welding slag discharged to river without containment. ¹	061101-01 061101-02 061101-03 061101-04 061101-05 061101-06 061101-07	9	\$10,000
B	11/3/2006	Leaky Equipment: "11. The crane being used on the trestle has leaking fluids. This has been noted many times earlier. The contractor has attached a piece of plastic under the crane, but the plastic catches both oil leaks and stormwater. There is evidence on the trestle deck that oil that has leaked off of the plastic. I observed commingled oil with water on the plastic during my site visit." ³		9, 13	\$20,000
H		Sediment Discharge: "19. During construction of the work platform for the south		9	\$10,000

		bridge Pier 2, loose soil was pushed over the edge of the bank. The soil cascaded all the way to the toe of the slope, which is below the Ordinary High water elevation." ³			
A	11/13/2006	Construction Dewatering: "I spoke to Mitch Lipsky about: 1) pumping silty grey H2O directly onto rock that allows the silty H2O to go into the gravel bar...2)disposal of silty H2O with a bucket that is taken out of the shaft/pumped into bucket. Material, H2O and rock was dumped at top of access without containment-- the resulting silty H2O ran off the top of the access road and back down to the gravel bar. This can not take place! Corrective measures were not implemented until Ron Den Heyer was on site & spoke to Mitch." ³ "Spoke with Mitch Lipsky regarding water from the drilling operation draining onto the rock within the 100 yr. I stated that it was in violation of the permits." ³	061113-01	7, 9	\$20,000
A	11/14/2006	Construction Dewatering: "Spoke with Mitch's signal man in the AM and told him to let Mitch know to shut off the pump draining water to the rock below the 100 yr. In the afternoon I addressed the issue to him directly. He was told that he was in violation of the permits." ³		7, 9	\$20,000
D	~1/5/2007	Turbid Discharge to River: Approximately 170 gallons of stormwater and drilling water was discharged to Eel River and gravel bar at night through a broken pipe. ³		9	\$10,000
A	3/7/2007	Construction Dewatering: "1 Labor, and 2 metal fabricators dewatering Pier Pit and prepping site for work trestle. A small electric sump pump is being used to get the last of the water. Water is being released under the Oregon Oak Tree -- the brownish water is making its way to the Eel river side-channel discoloring the waters." ³		7, 9	\$20,000
H	5/23/2007	Sand Blasting rebar without appropriate BMPs. "The contractor used sand to sandblast rebar...at Pier 3... without use of appropriate BMP's, without Caltrans oversight, and in disregard of the direction provided by the Resident Engineer prior to the activity. It is estimated that 6 bags of sand were used to clean the rebar and the waste was not contained and was allowed to fall directly to the gravel bar of the South Fork Eel River, below the Pier 3 falsework...the sand is well dispersed...and that it may not be feasible to remove the sand without also removing naturally placed riverbar fines." ⁶		7, 9	\$20,000
Total ➔					\$1,540,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006; Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

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Discharge Violations

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A		Construction dewatering directly to gravel bar. "After this event the water was not pumped into the isolated pool but was pumped directly onto the gravel bar adjacent to the cofferdams. The gravel bar was at a minimum about 15 feet from the river, but the plume did not appear to go into the river." ²		9, 12, 17	\$30,000
A	9/5/2006	Construction Dewatering: "ASR NOTE ... I overheard Superintendent James Ham tell his employee to 'shut off the pump, you're pumping out too much water.' ... the pump was discharging to... Mr. Ham's feet on the outside of B5 cofferdam with rock saturated and no standing water. I also did not see any equipment to verify pH levels or any muriatic acid to lower pH levels." ³		9, 12, 17	\$30,000
A	9/7/2006	Construction Dewatering to Isolated Pool B: "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area... The other was during the seal course placement within the two CSP's for the trestle bent 3 foundations... A pump was running to lower the water level inside the CSP's, which was ineffective until the water level rose due to the placement of the concrete seal course. Pumping was halted after the conc placement started. The water was pumped to a settlement basin against the river bank." ³		9, 12, 17	\$30,000
A	9/11/2006	Construction Dewatering: "Note: Mitch Shands on site intermittently some pumping of H2O out of CMP was done. This water was tested for pH per Mitch - was ~ same pH as the active channel." ³		9, 12, 17	\$30,000
A	10/3/2006	Construction Dewatering: "A little after 1100 Mitch Shands called to inform me the		9, 12, 17	\$30,000

		discharge from the dredge wasn't far from the steel plate cofferdam. I said it was supposed to be 100 ft from the river but we were allowing up against the bedrock because we couldn't get 100 ft. He said it was about 20 ft from the bedrock. He said Francisco Cordero, labor foreman, said they didn't have any more hose. I said that wasn't our problem and I'd come out to take a look." ²			
A	10/6/2006	Construction Dewatering: "During our inspection staff observed use of a sedimentation basin on the gravel bar near the north bridge. Staff were informed that the same basin was used to dispose of water that contacted wet cement, as well as for the dewatering activities that caused the turbidity discharges described above." ⁴	061006-01	9, 12, 17	\$30,000
A	10/7/2006	Construction dewatering disposal on gravel bar "Dewatering of the footings on the gravel bar caused some concern and a mini-memo was delivered to Mr. Hamm at MCM. Silty water was not being deposited in the approved area 70-feet away from the river." ²		9, 12, 17	\$30,000
A	11/13/2006	Construction Dewatering: "I spoke to Mitch Lipsky about: 1) pumping silty grey H2O directly onto rock that allows the silty H2O to go into the gravel bar... 2) disposal of silty H2O with a bucket that is taken out of the shaft/pumped into bucket. Material H2O and rock was dumped at top of access without containment... the resulting silty H2O ran off the top of the access road and back down to the gravel bar. This can not take place! Corrective measures were not implemented until Ron Den Heyer was on site & spoke to Mitch." ³ "Spoke with Mitch Lipsky regarding water from the drilling operation draining onto the rock within the 100 yr. I stated that it was in violation of the permits."	061113-01	7, 9	\$20,000
A	11/14/2006	Construction Dewatering: "Spoke with Mitch's signal man in the AM and told him to let Mitch know to shut off the pump draining water to the rock below the 100 yr. In the afternoon I addressed the issue to him directly. He was told that he was in violation of the permits." ³		7, 9	\$20,000
A	3/7/2007	Construction Dewatering: "1 Labor, and 2 metal fabricators dewatering Pier Pit and prepping site for work trestle. A small electric sump pump is being used to get the last of the water. Water is being released under the Oregon Oak Tree – the brownish water is making its way to the El river side-channel discoloring the waters." ³		7, 9	\$20,000
Total →					\$390,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006; Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

Appendix A_B
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
B	8/22/2006	Leaky Equipment: "2. A discharge of oil occurred from the backhoe directly onto the riverbar. Equipment that has minor leaks must not be allowed to operate in sensitive areas such as the riverbar. This discharge should have been reported to the RE and cleaned up immediately. There were no BMP's in place to prevent the discharged oil from reaching the riverbar." ²		9, 13	\$20,000
B	8/29/2006	Leaky Equipment: Oil leak on gravel bar	060829-01	9, 13	\$20,000
B	9/9/2006	Leaky Equipment: Oil stained gravel on gravel bar photographed by Biological Monitor. ²	060909-03	9, 13	\$20,000
B	9/26/2006	Leaky Equipment: Photograph of dirt road with many oil stains. ¹	060926-01	9, 13	\$20,000
B	9/27/2006	Leaky Equipment: "Oil leaks above river on wooden trestle. The large trestle crane had this problem regularly." ¹ Photograph by Biological Monitor of oil stains on the trestle deck with rags and absorbent pads soaked with oil. ¹	060927-05	9, 13	\$20,000
B	10/5/2006	Leaky Equipment: "Oil and diesel stains on the gravel bar were ID for cleanup." ³		9, 13	\$20,000
B	10/6/2006	Leaky Equipment: "RWB Inspection" Backhoe in gravel bar with fluid leakage, Compressor and Crane with insufficient BMPs. "Staff observed a backhoe on the gravel bar near the north bridge that had excessive fluid leakage. Absorbent rags were stuffed into several crevices to control the leakage, however, that backhoe was not in an adequate condition for continued use near any river or gravel bar."	061006-01 061006-02 061006-03 061006-04	9, 13	\$20,000
B	10/11/2006	Leaky Equipment: "Inspections of machinery identified two problems. The IR compressor leaks excessively, and diapers and plastic sheets have been employed for a long time but the leaks increase. The second unidentified leak from the Manotowic crane grows worse. Plastic sheeting catching oil and hydraulic leaks have also spilt onto the false bridge deck on several occasions." ¹		9, 13	\$20,000
B	10/12/2006	Leaky Equipment: "Oil and diesel stains on the gravel bar were identified for cleanup... I discovered a large oil stain under one piece of machinery at noon, not cleaned up by 1:30, raised concerns...keeping the gravel bar clean is a constant battle to control the accumulation of debris, oil, and hydraulic fluids." ¹	061012-01 061012-02 061012-03	9, 13	\$20,000

		Photo of an oil spill under the backhoe. ¹ Photo of an air compressor with plastic sheeting spilling its contents onto the river bar. ¹ Photo of leaking crane on trestle with plastic sheeting spilling its contents. ¹			
B	10/27/2006	Leaky Equipment: "Oil leaks continue to occur without adequate cleanup or prevention with the standard kiddy pools and diapers. Most of the heavy equipment used on this project is old and leak constantly. Overnight oil spots are often not prevented and typically just covered up with soil. The worst offenders are the Manitowoc crane on the false bridge, the LINK man lift on the gravel bar, and the CAT 350. This has been brought to the attention of the RE on many occasions. The plastic 'tarps' placed under the crane constantly spills its contents onto its tracks and the bridge decking." ¹ Photograph of oil contained by plastic sheeting	061027-01 061027-02 061027-03	9, 13	\$20,000
B	10/28/2006	Leaky Equipment: Photograph of oil stained gravel on the gravel bar ¹	061028-01 061028-02	9, 13	\$20,000
B	10/30/2006	Leaky Equipment: Photographs of fresh oil stains on the trestle deck and the Manitowoc crane on the trestle deck with a plastic diaper. Photograph of oil stains along the access road in front of the Caltrans office. ¹ Photograph of an oil stain underneath piece of equipment	061030-01 061030-02 061030-03 061030-04 061030-05 061030-08 061030-09 061030-10 061030-11	9, 13	\$20,000
B	10/31/2006	Leaky Equipment: Photograph of an oil leak from a large piece of equipment on a dirt road. ¹	061031-04	9, 13	\$20,000
B	11/3/2006	Leaky Equipment: "11. The crane being used on the trestle has leaking fluids. This has been noted many times earlier. The contractor has attached a piece of plastic under the crane, but the plastic catches both oil leaks and stormwater. There is evidence on the trestle deck that oil that has leaked off of the plastic. I observed commingled oil with water on the plastic during my site visit." ³		9, 13	\$20,000
Total →					\$280,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006; Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

Appendix A_C
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
C	9/15/2006	Welding Slag: "Env Issues: Span 4 is over the active channel - noticed some minor slag dropping into channel ..." ³		9	\$10,000
C	9/21/2006	Welding Slag Discharge to River: "When the next weekly biologic monitor report comes out on Monday it will contain information regarding a discharge of welding slag and/or wire into the South Fork Eel River during construction of the trestle. This discharge is required to be reported to the Regional Water Quality Control Board (RWQCB). There were no BMP's in place to help prevent the discharge...The contractor attempted to prevent further discharge by placing a 5-gallon bucket of water under the welding locations. The buckets were only partly effective due to windy conditions. Please inform Justin Porteous, MFC, to investigate the incident and file an Attachment K as required by the SWPPP." ²	060921-01	9	\$10,000
C	10/6/2006	Welding Slag Discharge: RWB Inspection Welding on temporary trestle and over river channel, debris falling into water. "Staff observed welding on the temporary trestle and over the river channel. Welding slag was observed to be falling directly into the water and the adjacent gravel bar." ⁶ "Molten slag was observed dripping into the river at 2:20 pm, using no bucket to catch the excess. This activity was terminated, but not before noticeable amounts of slag, small sheets of rusty metal, welding rods, and other debris had accumulated in the river channel." ³		9	\$10,000
C	10/6/2006	Steel Cutting: RWB Inspection - "Staff observed that rebar had been cut with a torch on the gravel bar without any containment. Steel slag and debris was deposited on the gravel bar within 150 feet of the high water mark, and where it may be washed into the river...Staff also observed steel being cut in the same area on the gravel bar. A small piece of plastic was placed under the saw; however, the plastic was not containing all the steel cuttings."	061006-05	9	\$10,000
C	10/17/2006	Steel Cutting Discharge: "Welding slag was discharged to the river and cleaned up immediately" "Found a welder attaching angles to the cofferdam template with no attempt to catch splatter/slag. I told them they were not allowed to drop material into the water and they hung a bucket under the work which caught about half of the falling material." ³	061017-01 061017-02 061017-03 061017-04 061017-05 061017-06	9	\$10,000
C	10/18/2006	Steel Cutting Discharge: Steel Cutting on gravel bar without containment ¹ "Garry came to jobsite and pointed out that the welding	061018-01	9	\$10,000

		slag remaining on the riverbed needed to be cleaned." ³			
C	10/20/2006	Welding Slag on gravel bar: Photograph ¹	061020-01	9	\$10,000
C	10/24/2006	Steel Cutting going into river ¹ - "I observed a worker cutting plate steel with a cutting torch on the river bed." ²	061024-01 061024-02 061024-03 061024-08	9	\$10,000
C	10/25/2006	Steel Cutting: "-0830...I went down to the gravel bar and found some 3x3 angles that had been spliced on the gravel bar and a worker cutting plate steel with the slag falling on the gravel." ³		9	\$10,000
C	10/26/2006	Welding slag discharge to gravel bar - "...Observed welder in the manlift welding longitudinal force transfer clips onto the trestle beams with much of the debris falling to the gravel bar..." ³	061026-01	9	\$10,000
C	10/26/2006	Welding slag going into river ¹ - "Rich came with Carl, pointed out MCM cutting, welding at gravel bed. The site was later cleaned by the contractor. "...one of his [Ham's] workers was on the southernly side of the river cutting steel plates to go around FW columns in bent 2-3 with nothing under it to catch the slag. He said well I guess he'll have to clean it up. I said yes, but he shouldn't be cutting that way anyway." ³	061026-02	9	\$10,000
C	10/28/2006	" Welding Slag continued to fall into the river without adequate mitigation." ¹		9	\$10,000
C	10/30/2006	Steel Cutting: Large steel plate and cuttings in the river	061030-06 061030-07	9	\$10,000
C	10/31/2006	Steel Cutting: Steel plates still in river from the day before.	061031-02 061031-03	9	\$10,000
C	11/1/2006	Welding slag discharged to river without containment. ¹	061101-01 061101-02 061101-03 061101-04 061101-05 061101-06 061101-07	9	\$10,000
Total →					\$150,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006; Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

Appendix A_D
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
D	8/29/2006	Turbid Discharge to River from isolated pool B through gravel bar; No turbidity measurements were taken "Seeping through bar. After 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		9	\$10,000
D	8/30/2006	Turbid Discharge to River from isolated pool B through gravel bar; No turbidity measurements were taken "Seeping through bar. After 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		7, 9	\$20,000
D	9/1/2006	Cement Discharge to River: "Temporary plume of fine sediments from cement seeping out bottom when seal cement poured." ^{1,2}	060901-01	9	\$10,000
D	9/7/2006	Turbid Discharge to River "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area. One was from dewatering into a settlement basin and after about 8 hrs of pumping some turbidity was noticed emanating from the gravel bar."		7, 9	\$20,000
D	9/7/2006	Turbid Discharge to River: "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area. The other was during the seal course placement within the two CSP's for the trestle bent 3 foundations. The conc was placed with a tremie pipe and during the first half yard of conc placement a small discharge was noticed... The discharges dissipated quickly within about 50' (Rt CSP) to 100' (Lt CSP) as near as I could tell. Although there was some discussion of measuring the turbidity, Brad mentioned that it didn't appear to him that there was a 20% increase at 100'." ³		9	\$10,000
D	9/9/2006	Turbid Discharge to River: Sediment Plume from placement of trestle footings. Improper BMPs and no turbidity measurements were taken. ² "RE Ron den Heyer came to my office with Carl Page and a photo of turbidity from drilling debris in the water around trestle foundation 4 Lt... Mitch... said that MCM was using a baffle to keep anchor rod hole cleanout debris within the 6' dia CSP... He also has told them previously that any debris on the planks over the CSP's had to be cleaned off	060909-01 060909-02	9	\$10,000

		into the CSP's." ³			
D	9/22/2006	Turbid Discharge to River: 2nd Heavy Vehicle Crossing caused a 400-foot plume visible for 30 minutes. Insufficient turbidity measurements taken – Horiba Meter not accurate. "Equipment cleaning was a pro-active measure taken for the first and third crossings, but it appeared to have not been done for the second crossing event witnessed by B. Norman... This was apparent by the much larger amount of dirt on the equipment during the second crossing compared to the other two crossings. No 'staging of the equipment' occurred immediately prior to the September 22 crossing... Note mud was still caked on after going through the clean cobble river bed."²	060922-07 060922-08 060922-09 060922-10 060922-11 060922-12 060922-13 060922-14 060922-15	9	\$10,000
D	9/29/2006	Cement Discharge: Cement in mainstem from concrete footing seal pour. "Sandbags were then placed on the outside perimeter only, no sandbags were placed on the inside of the CMP. CONTR began placing seal coarse concrete @ 1701 hrs... CONTR began by placing the seal coarse in the #3 FTG. During the placement, it was apparent that the contractor did not have a good seal around the CMP. Concrete escaped from the CMP leaving a plume in the river approx 150'-0 in length."² Insufficient turbidity measurements.	060929-01 060929-02 060929-03	9	\$10,000
D	9/29/2006	Cement Discharge: Silt in mainstem from cement footing seal pour. "During the placement for the #4 FTG, the CONTR's tremie on the hopper came off. While trying to reattach the tremie, the CONTR worked around the CMP standing on the sandbags. A plume was evident but how much was concrete or how much was silt was hard to determine."²	060929-04 060929-05 060929-06	9	\$10,000
D	10/7/2006	Turbid Discharge to River: First Event – Plume noted during attempt to install last two footings for falsework trestle. No turbidity measurements taken. "After the CONTR made 3 passes the silt began to escape thru the silt fence. CONTR stopped digging and placed more filter sandbags. The plume dissipated in about ½ hr."² "Caltrans admits the presence of the silt fence in the river, intended to be containment for the anticipated release of turbid waters from in-stream excavation of cofferdam spoils was not the proper BMP."⁸	061007-01 061007-02	9, 17	\$20,000
D	10/7/2006	Turbid Discharge to River: Second Event – Silt from cement CMP footing seal pour. No turbidity measurements taken. "The CONTR then made a 2nd attempt at excavating the footings. After about 6 passes, the silt again began to escape and leave a plume... Mr. Ham stated that the plastic wouldn't work, that the water is coming up thru the rock (Bottom) and using bladder bags would not give him enough room to work..."³		9, 17	\$20,000

D	10/7/2006	Turbid Discharge to River: Third Event – “... Mr. Ham then stated that he was at least two thirds complete and everyone from the agencies are probably home now so he was going to go back down and complete the remaining excavation work... CONTR's SUBMITTAL IS INCOMPLETE AND HAS NOT BEEN APPROVED! CONTR IS PERFORMING WORK AT HIS OWN RISK.” ³		9, 17	\$20,000
D	10/16/2006	Cement Discharge: “At 17:10, when pour concrete at 1 footing by the river (bent 2-4), there were miner leak [sic].” ³		9	\$10,000
D	10/20/2006	Cement Discharge to River: Concrete seal course pour resulted in a 2'X4' plume for 5 min. No turbidity measurements ¹	061020-02	9	\$10,000
D	~1/5/2007	Turbid Discharge to River: Approximately 170 gallons of stormwater and drilling water was discharged to Eel River and gravel bar at night through a broken pipe		9	\$10,000
Total →					\$1,540,000

¹ Email notification from Walt Dragaloski on 2/21/2007

Appendix A_E
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
E	8/29/2006	Turbid Discharge to River from isolated pool B through gravel bar; No turbidity measurements were taken "Seeping through bar. After 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		19	\$10,000
E	8/30/2006	Turbid Discharge to River from isolated pool B through gravel bar; No turbidity measurements were taken "Seeping through bar. After 8 hours of pumping from coffer dams set in bar to Isolated Pool B." ¹		19	\$10,000
E	9/1/2006	Insufficient Turbidity Measurements: Sediment plume lasted two minutes and persisted for approximately 5 minutes 20-30 feet downstream were caused by placement of gravel bags for placement of trestle footings. ⁷		19	\$10,000
E	9/1/2006	Cement Discharge to River: "Temporary plume of fine sediments from cement seeping out bottom when seal cement poured." ^{1,2}	060901-01	19	\$10,000
E	9/6/2006	Insufficient Turbidity Measurements: 1 st Heavy Vehicle Crossing caused a 200-foot plume for 25 minutes. No turbidity measurements were taken. ²	060906-01	19	\$10,000
E	9/7/2006	Turbid Discharge to River "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area. One was from dewatering into a settlement basin and after about 8 hrs of pumping some turbidity was noticed emanating from the gravel bar." ³		19	\$10,000
E	9/7/2006	Turbid Discharge to River: "Late this afternoon, Gene Leo was talking to Walt Dragaloski about the reports he had from biologist Brad Norman about discharges into the river at the N Br const area... The other was during the seal course placement within the two CSP's for the trestle bent 3 foundations... The conc was placed with a tremie pipe and during the first half yard of conc placement a small discharge was noticed... The discharges dissipated quickly within about 50' (Rt CSP) to 100' (Lt CSP) as near as I could tell. Although there was some discussion of measuring the turbidity, Brad mentioned that it didn't appear to him that there was a 20% increase at 100'." ³		19	\$10,000

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
E	9/9/2006	Turbid Discharge to River: Sediment Plume from placement of trestle footings. Improper BMPs and no turbidity measurements were taken.² "RE Ron den Heyer came to my office with Carl Page and a photo of turbidity from drilling debris in the water around trestle foundation 4 Lt... Mitch... said that MCM was using a baffle to keep anchor rod hole cleanout debris within the 6' dia CSP... He also has told them previously that any debris on the planks over the CSP's had to be cleaned off into the CSP's."³	060909-01 060909-02	19	\$10,000
E	9/22/2006	Turbid Discharge to River: 2nd Heavy Vehicle Crossing caused a 400-foot plume visible for 30 minutes. Insufficient turbidity measurements taken – Horiba Meter not accurate. "Equipment cleaning was a pro-active measure taken for the first and third crossings, but it appeared to have not been done for the second crossing event witnessed by B. Norman... This was apparent by the much larger amount of dirt on the equipment during the second crossing compared to the other two crossings. No 'staging of the equipment' occurred immediately prior to the September 22 crossing... Note mud was still caked on after going through the clean cobble river bed."²	060922-07 060922-08 060922-09 060922-10 060922-11 060922-12 060922-13 060922-14 060922-15	19	\$10,000
E	9/28/2006	Insufficient Turbidity Monitoring: In stream prep-work: "Sediment plume caused by workers in the channel moving gravels off bedrock to set CMP footings cofferdams. Duration: 4 hours in pulses; Length 100 Feet; Turbidity: (4,5,5,4,3) In Plume / (0,0,..., 0) Upstream)^{1,2} The turbidity measurements were not taken as required by the Certification making difficult the determination of water quality impacts.	060928-01 060928-02 060928-03	19	\$10,000
E	9/29/2006	Cement Discharge: Cement in mainstem from concrete footing seal pour. "Sandbags were then placed on the outside perimeter only, no sandbags were placed on the inside of the CMP. CONTR began placing seal coarse concrete @ 1701 hrs. CONTR began by placing the seal coarse in the #3 FTG. During the placement, it was apparent that the contractor did not have a good seal around the CMP. Concrete escaped from the CMP leaving a plume in the river approx 150'-0 in length."² Insufficient turbidity measurements.	060929-01 060929-02 060929-03	19	\$10,000
E	9/29/2006	Cement Discharge: Silt in mainstem from cement footing seal pour. "During the placement for the #4 FTG, the CONTR's	060929-04 060929-05 060929-06	19	\$10,000

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
		tremie on the hopper came off. While trying to reattach the tremie, the CONTR worked around the CMP standing on the sandbags. A plume was evident but how much was concrete or how much was alga was hard to determine." ²			
E	10/2/2006	Turbid Discharge to River: 3 rd Heavy Vehicle Crossing caused a plume. Turbidity measurements show an increase from 0-2.0 NTU 100 feet down stream. "At 3:24 pm, the turbidity measurement 100-feet below the crossing area maintained a reading of 2.0 NTU's on the Horiba U-10 water quality meter." ²	061002-01	19	\$10,000
E	10/7/2006	Turbid Discharge to River: First Event – Plume noted during attempt to install last two footings for falsework trestle. No turbidity measurements taken. "After the CONTR made 3 passes the silt began to escape thru the silt fence. CONTR stopped digging and placed more filter sandbags. The plume dissipated in about ½ hr." ² "Caltrans admits the presence of the silt fence in the river, intended to be containment for the anticipated release of turbid waters from in-stream excavation of cofferdam spoils was not the proper BMP." ⁸	061007-01 061007-02	19	\$10,000
E	10/7/2006	Turbid Discharge to River: Second Event – Silt from cement CMP footing seal pour. No turbidity measurements taken. "The CONTR then made a 2 nd attempt at excavating the footings. After about 6 passes, the silt again began to escape and leave a plume... Mr. Ham stated that the plastic wouldn't work, that the water is coming up thru the rock (Bottom) and using bladder bags would not give him enough room to work..." ³		19	\$10,000
E	10/7/2006	Turbid Discharge to River: Third Event – "...Mr. Ham then stated that he was at least two thirds complete and everyone from the agencies are probably home now so he was going to go back down and complete the remaining excavation work... CONTR's SUBMITTAL IS INCOMPLETE AND HAS NOT BEEN APPROVED! CONTR IS PERFORMING WORK AT HIS OWN RISK." ³		19	\$10,000
E	10/14/2006	Insufficient Turbidity Measurements: Two discharges during construction of in-stream footings. "The area around the footing to be excavated was isolated from active flow with the use of a fabric material, fence posts, and sand bags. This initial attempt produced a notable plume outside the containment area, and was ceased		19	\$20,000

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
		until improvements were made. The second attempt proved ineffective due to subsurface flow through the isolation area and porosity of the fabric." No turbidity measurements were taken. ¹			
E	10/16/2006	Insufficient Turbidity Measurements: In-channel prep-work for installation of steel containment shroud. Hand work resulted in 8'x3' plume for 15 min. Insufficient turbidity measurements. ¹	061016-01	19	\$10,000
E	10/16/2006	Cement Discharge: "At 17:10, when pour concrete at 1 footing by the river (bent 2-4), there were miner leak [sic]." ³		19	\$10,000
E	10/18/2006	Insufficient Turbidity Measurements: Sheet piles were pounded into place, resulting in a 25'x6' plume for 20 min during cofferdam installation. Insufficient turbidity measurements. ¹	061018-02	19	\$10,000
E	10/20/2006	Cement Discharge to River: Concrete seal course pour resulted in a 2'x4' plume for 5 min. No turbidity measurements. ¹	061020-02	19	\$10,000
Total →					\$220,000

¹ CD of Biological Monitoring Reports. Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006; Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

Appendix A_F
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
F	8/29/2006	Improper Disposal of Cement Wastes: "On August 29, during placing a concrete in a corrugated steel pipe within the river, the water level rose and to prevent it from overflowing into the river, the water was pumped to the dewatering basin." ²		9, 17	\$20,000
		Improper Disposal of Cement Wastes: "After placing the concrete seal course, the contractor cleaned the hopper, tremie and shovels in a footing excavation in the river bar." ²		9, 10, 17	\$30,000
F	8/30/2006	Concrete Washout to unlined area ²	060830-01 060830-02	9, 17	\$20,000
F	9/8/2006	Cement Discharge: "...the water was tested for pH, treated with muriatic acid then pumped into the settlement basin. I estimate about 25 gal was pumped from the Lt CSP and perhaps 50 gal pumped from the Rt CSP based on the conc placed."	060908-01 060908-02	9, 17	\$20,000
F	9/13/2006	Cement Discharge: Improper disposal of cement wastes – "Workers dumped cement refuse onto edge of gravel bar." ²	060913-01	9, 17	\$20,000
F	9/29/2006	Cement Discharge: Improper disposal of cement wastes on gravel bar "After the tremie was reattached, the CONTR resumed placing the seal course, To prevent the water from overflowing the CMP, the water (untreated) was pumped onto the gravel bar, approx 60'-0 from the rivers' edge." ²	060929-07 060929-08 060929-09	9, 17	\$20,000
		Cement Discharge: "Once the seal coarse operation was completed, the CONTR cleaned the hopper, tremie and shovels in the glory hole for 2-7's FTG. This was also observed by SR Garry Tolen." ³		9, 10, 17	\$30,000
Total →					\$160,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006; Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

Appendix A_G
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
G	9/18/2006	Rubbish Discharge to River: Rubbish in river (wood waste and rope). ²	060918-01 060918-02	9	\$10,000
G	9/22/2006	Rubbish Discharge to River: Rubbish and organic debris in river (wood scraps, sawdust, and trash) ² "Trestle Construction. The MCM Trestle Construction Operation continues to discharge sawdust, cigarette butts, plastic and paper packaging and empty water bottles, welding wire, loose nails, rust scale from recycled I-beams, welding rods, oily rags and gloves, cut wood pieces, ...into the South Fork Eel main stem on a daily basis." ¹	060922-01 060922-02 060922-03 060922-04 060922-05 060922-06	9	\$10,000
G	9/26/2006	Rubbish Discharge to River: Large flakes of rust and wood waste in river ¹	060926-02 060926-03 060926-04 060926-05 060926-06	9	\$10,000
G	9/27/2006	Rubbish Discharge to River: Rust dropped into north-side main stem Eel River ¹	060927-01 060927-02 060927-03 060927-04	9	\$10,000
G	10/16/2006	Rubbish Discharge to River: Rust on I-beam uncontained over river, and wood waste and trash in the river. ²	061016-02 061016-03 061016-04 061016-05 061016-06 061016-07 061016-08 061016-09 061016-10	9	\$10,000
G	10/24/2006	Rubbish Discharge to River: Large flakes of rusty metal from I-beams and slag from continuous welding accumulated on the gravel bar. These were temporarily cleaned up, but those in the river remain." ¹		9	\$10,000
G	10/25/2006	Rubbish Discharge to River: "A punch list was developed to return the gravel bar to its natural state by the end of the month. They included removing various debris from Split-set and welding rods	061025-01 061025-02 061025-03	9	\$10,000

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
		around railing and wood scraps, sawdust, plastic and food wrappings. Molten slag on rocks and in the sand on both sides of river needed removal as well. Large rust flakes on both banks and in the river have accumulated and require removal also. ¹			
G	10/26/2006	Rubbish Discharge to River: Photo of large flakes of rust from I beams uncontained and falling to gravel bar and river. ²	061026-03	9	\$10,000
G	10/31/2006	Rubbish Discharge to River: in river: Photograph of flakes of rust in the river. ¹	061031-01	9	\$10,000
Total →					\$90,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Response to Notice of Violation (Binder) Received 12/14/2006: Final Biological Monitoring Report and associated photographic record

³ Engineering Diaries

⁴ Regional Water Board Inspection

⁵ Email notification from Walt Dragaloski on 2/21/2007

⁶ Email notification from Walt Dragaloski on 5/23/2007

⁷ Attachment K Received on 10/6/2006

⁸ Caltrans Letter Received on 3/12/2007

Appendix A_H
401 Water Quality Certification

Table 1:
Discharge Violations

	Date	Description	Appendix D: Photo #	Additional Condition Violation #	Maximum Potential Civil Liability
H	8/17/2006	Hydraulic fluid spill on gravel bar ¹	060817-01	9	\$10,000
H	8/22/2006	Equipment Fueling on Gravel Bar: "1. Equipment is being fueled on the riverbar at the north bridge. Our permit with the Regional Water Quality Control Board explicitly states that fueling must only occur outside of waters of the United States. At the PDT James Hamm acknowledged that they were fueling a compressor, generator, man-lift and backhoe." ²		13	\$10,000
H	11/3/2006	Sediment Discharge: "19. During construction of the work platform for the south bridge Pier 2, loose soil was pushed over the edge of the bank. The soil cascaded all the way to the toe of the slope, which is below the Ordinary High water elevation." ³		9	\$10,000
H	5/23/2007	Sand Blasting rebar without appropriate BMPs. "The contractor used sand to sandblast rebar... at Pier 3... without use of appropriate BMP's, without Caltrans oversight, and in disregard of the direction provided by the Resident Engineer prior to the activity. It is estimated that 6 bags of sand were used to clean the rebar and the waste was not contained and was allowed to fall directly to the gravel bar of the South Fork Eel River, below the Pier 3 falsework. The sand is well dispersed...and that it may not be feasible to remove the sand without also removing naturally placed riverbar fines." ²		7, 9	\$20,000
Total →					\$1,540,000

¹ CD of Biological Monitoring Reports: Received 11/20/2006

² Email notification from Walt Dragaloski on 5/23/2007

³ Engineering Diaries