



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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November 16, 2007

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

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

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

Dear Mr. Orso Delgado and Mr. Hulsizer:

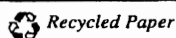
SUBJECT: November 14, 2007 Field Visit to Southbay Expressway (SR-125 Toll Road) and Status of Post Construction Structural Treatment Best Management Practices (BMPs).

On November 14, 2007, representatives of the San Diego Regional Water Quality Control Board (Regional Board) including Christina Arias and Jody Ebsen met with Bruce April with the California Department of Transportation (Caltrans), as well as several other personnel from Caltrans and Southbay Expressway (SBX) associated with the SR-125 project. The purpose of the field visit was to assess the progress being made to the post-construction best management practices (BMPs) since the previous site visit on September 18, 2007.

Based on the information obtained during the field visit, I continue to have serious concerns about the lack of progress in establishing vegetation in the extended detention basins, a key component in the design plans to treat storm water and a condition in the Section 401 water quality certification (File No. 99C-133) issued for the project. I expressed these concerns after the previous site visit in a letter dated September 28, 2007.

Some progress has been made towards vegetation of the bioswales by the installation of salt grass plugs and hydroseeding. An interim strategy using fiber and flocculant rolls appears in place while the vegetation becomes fully established in the bioswales. However, this level of effort has not occurred on the extended detention basin, as none of the 14 extended detention basins have been vegetated as of November 14th, and some of them have not even been fully constructed.

California Environmental Protection Agency



Mr. Orso Delgado, Caltrans
Mr. Hulsizer, Southbay Expressway, LP

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Need for Vegetated Structural Treatment BMPs

As I explained in my letter dated September 28, 2007, Caltrans and Southbay Expressway, LP, had previously requested an amendment to Condition D.6 of the 401 certification issued for the project. The amendment had been requested because you anticipated that landscape and irrigation activities would not be completed prior to the scheduled road opening. In the August 1, 2007 letter the following was proposed:

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

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

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

Please keep in mind that the Condition D.7 requires post-construction BMPs that best meet the maximum extent practicable (MEP) standard, and that these BMPs must meet at least an 80 percent efficiency removal rate for total metals, and at least an 80 percent efficiency removal rate for total suspended solids/sediments. BMPs shall be designed to remove oil & grease, pathogens, and trash to the MEP. There shall be no net increase in nutrient concentrations from the BMPs. Monitoring of the interim BMPs during storm events must show that these standards have been met. At this point in time, it does not appear likely that these standards will be met by the time the road opens.

In summary, I urge you to increase the level of effort put forth to ensure the extended detention basins are functional by opening day. Failure to fully vegetate the permanent treatment BMPs prior to opening the SR-125 Toll Road would be a violation of conditions contained in the Section 401 water quality certification. The potential violations described above may subject your joint entity to possible future enforcement action by the Regional Board.

The heading portion of this letter includes a Regional Board code number noted after “In reply refer to:” In order to assist us in the processing of your correspondence please

California Environmental Protection Agency

Mr. Orso Delgado, Caltrans
Mr. Hulsizer, Southbay Expressway, LP

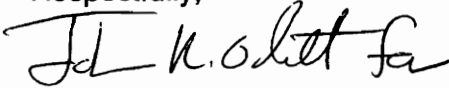
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include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

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

Respectfully,




JOHN H. ROBERTUS
Executive Officer

JHR:jo:dg:ca

CC via email:

Mr. Bruce April
California Department of Transportation

California Environmental Protection Agency

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