

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
December 12, 2007

ITEM: 18

SUBJECT: **STATUS REPORT: IMPLEMENTATION OF POST-CONSTRUCTION STRUCTURAL BEST MANAGEMENT PRACTICES (BMPs) ON STATE ROUTE 125 TOLL ROAD.** (*Christina Arias*)

PURPOSE: The purpose of this item is to provide a status report to the Regional Board on the post-construction best management practices (BMPs) in place, as required by Resolution No. 2001-051, a Clean Water Act section 401 Water Quality Certification (401 Certification), as amended, on State Route 125 Toll Road (SR-125), which opened to the public on November 19, 2007.

PUBLIC NOTICE: N/A.

DISCUSSION: On November 14, 2007, six days before the opening of SR-125, staff from the Southern Watershed Unit visited the Toll Road's construction site for a second time to inspect the permanent post construction BMPs. The BMPs consisted mainly of hydrodynamic separators for trash, and bio-swales and extended detention basins for sediment and dissolved organics removal. Some progress had been made on the BMPs since a previous site visit; however, none of the extended detention basins along the 10-mile road alignment were functional at the time. The lack of functional post-construction BMPs has been a concern to the Regional Board because of the road opening date of November 19<sup>th</sup>, and the threat of pollutants from road construction to receiving water quality without proper treatment. (A map showing the impact of SR-125 on receiving waters is included as Supporting Document 1 and a map showing the location of SR-125 within the greater San Diego area is included as Supporting Document 2.) The Regional Board members heard a brief status update at the November 14, 2007, Board Meeting, and requested a follow-up status report on December 12, 2007.

On April 23, 2001, the Regional Board issued a 401 Certification to the California Department of Transportation, District 11 and South Bay Expressway - formerly known as California Transportation Ventures (Dischargers) for the construction of SR-125 Toll Road (Supporting Document 3). Pursuant to the 401 Certification, as amended, post-construction structural BMPs were required to be functional, and capable of achieving 80 percent removal efficiency for total metals and suspended solids, prior to opening of the SR-125 Toll Road.

In 2001, the issuance of the 401 Certification was highly controversial because of potential adverse effects on the environment. As a result, several special conditions were incorporated into the Certification to mitigate potential affects from constructing SR-125. These conditions included project design to treat storm water, monitoring of receiving and storm waters, installation of landscaping coincident with completed project phases, and to pursue an aerial deposition study to understand the effects of aerial-transported pollutants on the Sweetwater Reservoir airshed. A notice of violation was issued for non-compliance with pursuing the aerial depositional study.

On August 1, 2007, the Dischargers requested an amendment to Condition D.7 of the 401 Certification which specified complete landscaping in certain areas (Supporting Document 4). On August 21, 2007 the Regional Board issued an amendment to the 401 Certification (Supporting Document 5). The amendment modified the vegetation schedule and required that prior to the road opening all permanent BMPs (including vegetated detention basins and bio-swales) were to be fully implemented and functional; and all finished slopes and drainage inlets that were not yet permanently landscaped would be monitored, maintained and protected.

Staff with the Southern Watershed Unit visited the site on September 18, 2007 and found the level of vegetation inadequate to meet compliance with the amended 401 Certification. Furthermore, the potential to violate requirements of Order No. 99-06-DWQ, the Caltrans Statewide Storm Water Permit, appeared high because of the lack of adequate sediment and erosion controls. A letter, dated September 28, 2007, was sent to the Dischargers outlining these concerns (Supporting Document 6). An

editorial on this subject was published in the San Diego Union Tribune on October 29, 2007, and a rebuttal by the Dischargers on October 31, 2007 (Supporting Documents 7 and 8).

The Southern Watershed Unit met with the Dischargers on October 31, 2007. During this meeting, the Dischargers reported that: 1) Construction BMPs were much improved from the site inspection. 2) Six (6) acres of sod would be obtained to immediately facilitate permanent vegetation. 3) Thirty four of 38 bio-swales had been graded and hydroseeded; and the four remaining bio-swales (under Sweetwater Bridge) would be constructed after work is completed on utilities and trails associated with the bridge area. 4) Temporary irrigation had been established in all bio-swales located in road medians. 5) Water quality monitoring would proceed on schedule, as outlined in the 401 Certification. After the meeting, the Dischargers were unable to procure the 6 acres of sod, thus impacting the plans for permanent vegetation.

The Southern Watershed Unit conducted a follow-up site visit on November 14, 2007 and observed that several of the structural BMPs were not yet vegetated or functional. Progress had been made in planting and hydroseeding several of the bio-swales, and an interim strategy using fiber and flocculant rolls were in place for storm water treatment in the remainder of the bio-swales. As of this site visit, the level of effort spent by the Dischargers on vegetating the bio-swales had not been afforded the extended detention basins. Photos from this site visit are provided in Supporting Document 9. A Regional Board letter dated November 16, 2007, emphasized the need to vegetate the extended detention basins and ensure 80 percent removal efficiency for total metals and suspended solids, as required in Condition D.7 of the 401 Certification (Supporting Document 10).

**KEY ISSUES:**

The 401 Certification explicitly requires permanent structural BMPs be functional prior to road opening. In some areas, an interim strategy is in place for storm water treatment; in other areas, functionality is lacking and the road is now open to the public.

**LEGAL CONCERNS:**

None.

SUPPORTING  
DOCUMENTS

1. Detailed Map of SR-125.
2. Map of SR-125 within Greater San Diego Area.
3. Section 401 Water Quality Certification.
4. Caltrans letter dated August 1, 2007, request to modify Condition D.6 of 401 Certification.
5. 401 Certification Amendment dated August 21, 2007.
6. Regional Board letter dated September 28, 2007.
7. Union-Tribune Editorial dated October 29, 2007.
8. Rebuttal to Editorial from Dischargers dated October 31, 2007.
9. Photos from site visit on November 14, 2007
10. Regional Board letter dated November 16, 2007.

RECOMMENDATION(S): A recommendation may be made following the discussion of this matter.