

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MARCH 24-25, 2005

Prepared on March 4, 2005

ITEM NUMBER: 3

SUBJECT: Settlement Agreement – Administrative Civil Liability Order No. 2003-0078; California Department of Transportation; Highway 101/156 Interchange; Prunedale, Monterey County

KEY INFORMATION

Discharger: California Department of Transportation (Caltrans)
Location: Highway 101/156 Interchange, Prunedale, Monterey County (EA# 0161U)
Discharge Type: Storm Water
Existing Order: State Board Order No. 99-06-DWQ, (NPDES Permit No. CAS000003)

DISCUSSION

Staff of the Central Coast Regional Water Quality Control Board (Regional Board) and the California Department of Transportation (CalTrans) proposes a settlement agreement in the matter of Administrative Civil Liability Order No. R3-2004-0107 for the HWY 101/156 Interchange Construction Project.

On January 26, 2001, CalTrans filed a Notice of Construction for the "101/156 Interchange" (Site). The notice was filed pursuant to the terms of State Board Order No. 99-06-DWQ (CalTrans Permit) which establishes storm water regulations for CalTrans activities.

On August 7, 2003, the Regional Board's Executive Officer issued Administrative Civil Liability Complaint No. R3-2003-0078 (Complaint), which alleged CalTrans, violated provisions of the CalTrans Permit while engaged in construction activities at the Site.

The Regional Board held a hearing on this matter on October 24, 2003, in Santa Barbara. Following testimony, the Regional Board continued the hearing and requested Regional Board staff and the Discharger to pursue a Settlement Agreement.

Regional Board staff and the Discharger met numerous times to discuss settlement. A tentative settlement agreement, subject to a public hearing and Regional Board approval, was reached on January 24, 2005.

CalTrans, without admission of liability, agrees to pay \$7,500 in staff costs and pay for and provide training in the use of storm water Best Management Practices for erosion and sediment control related to construction activities and the requirements of the General Storm Water Construction Permit.

The training classes will be conducted by CalTrans or its consultants and will be made available to any permittees and municipalities in the Central Coast Region. The training classes will be offered three times per year during the 60 days prior to October 15 for five years beginning in 2005, for a total of 15 workshops. Each workshop will accommodate a minimum of 50 and a maximum of 75 attendees. The Regional Board Executive Officer and the CalTrans District Director will mutually agree upon the content and location of the training. CalTrans will perform or provide the following services:

- Manage all logistical concerns relating to the training classes;
- Identify training dates no later than August 1 of each year;

- Provide for appropriate course locations geographically separated into the northern, central and southern areas of the Central Coast Region;
- Appropriately advertise the training;
- Provide the course instruction;
- Provide the instructional materials,
- Provide all necessary instructional aids, and
- Manage course registration and attendee logs

Regional Board staff will support CalTrans by:

- Promptly reviewing and commenting on the proposed curriculum;
- Providing a current list of the Construction Permit holders within the Central Coast Region and;
- Providing a list including contact information of local stormwater vendors.

CalTrans may make suggestions for alternative workshop content. The Regional Board Executive Officer and the CalTrans District Director will mutually agree upon any changes to the approved curriculum or location of the training (or else there will be no changes).

RECOMMENDATION

Regional Board staff and CalTrans agree on the attached Settlement Agreement and Release, and the Administrative Civil Liability Stipulated Order and recommend approval of the Agreement by the Regional Board.

ATTACHMENTS

1. Administrative Civil Liability Complaint No. 2003-0078
2. Cover Letter to Greg Albright
3. Stipulated Order No. R3-2004-0107
4. Proposed Settlement Agreement

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