



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

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Arnold Schwarzenegger
Governor

September 23, 2010

Michael Miles
District Director, District 7
California Department of Transportation
100 South Main Street MS16A
Los Angeles, California 90012

Via Certified Mail
Return Receipt Requested
#7008 1140 0002 8672 1717

NOTICE OF VIOLATION, CALTRANS STATE ROUTE 2 COLBY CANYON CULVERT EXTENSION PROJECT AT PM 34.55, IMPACTS TO WATERS OF THE UNITED STATES WITHOUT CLEAN WATER ACT SECTION 401 CERTIFICATION (File No. 10-123)

Dear Mr. Miles:

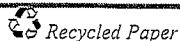
The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, and including the major portion of the Angeles National Forest.

On August 18, 2010, the Regional Board received an application from the California Department of Transportation (Caltrans) for a Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) to repair a 136" corrugated metal pipe culvert, rock slope protection, highway fill slopes, highway shoulder and pavement at various location from Post Mile (PM) 24.6 to 54.5 at State Route 2 including Colby Canyon at PM 34.55 (Colby Canyon project). The Regional Board staff determined that additional information was required to evaluate the project, and a 'Request for Information' was sent on September 1, 2010 via fax to (213) 897-0685. The Regional Board has not received a response to the request. **No CWA Section 401 Water Quality Certification for this project has been issued by the Regional Board.**

On September 8, 2010, Caltrans staff alerted Regional Board staff via email that work on the project had begun in the streambed at the Colby Canyon project site. The requirement for the WQC to be issued prior to any actions in waters of the United States was reiterated by email from Regional Board staff to Caltrans staff on September 8, 2010.

Regional Board staff (Ms. Valerie Carrillo) conducted an unannounced site inspection on September 14, 2010, and a planned site inspection with Caltrans and US Army Corps of Engineers

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

September 23, 2010

California Department of Transportation

staff on September 21, 2010. The inspections documented work on the Colby Canyon project by Caltrans in waters of the United States. The actions taken by Caltrans as documented by these emails and inspections and currently in progress at the project site require a Clean Water Act Section 401 Water Quality Certification in addition to the CWA Section 404 federal permit.

You are hereby notified that you are in violation of the requirements established in CWA Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Porter-Cologne Water Quality Control Act, Section 13160 (et seq.), and the State Water Resources Control Board Order No. 2003-0017-DWQ by failing to obtain a 401 Certification or Waste Discharge Requirements from this Regional Board prior to commencing work in waters of the United States.

You are now subject to the imposition of civil liability penalties by the Regional Board of up to \$10,000 per day in which the violation occurs (CWC § 13385(c)(1)). These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred and without further warning.

The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to Porter-Cologne sections 13262, 13264, 13304, 13331, 13340 and 13386.

Furthermore, the Regional Board may also request the United States Attorney, appropriate county District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

If you have any questions please call Ms. Valerie Carrillo at (213) 576-6759 or Dr. L.B. Nye at (213) 576-6785 regarding this matter.

Sincerely,



Samuel Unger
Executive Officer

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