



# Media Release

## **North Coast Water Board Staff Recommends \$5.5 Million Caltrans fine for Discharges into Russian River Tributary**

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Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) has issued a \$5.5 million Administrative Civil Liability Complaint against Caltrans and its contractor, Ghilotti Construction Company, for threatening salmon and steelhead spawning areas by discharging soil into tributaries of the Russian River.

The complaint also alleges that Caltrans and its contractor failed to file monthly reports on the Sonoma County project to the Regional Water Board.

The complaint involves a road-widening project on Highway 101 from North of Pepper Road in Petaluma to Rohnert Park Expressway in Rohnert Park. It alleges that Caltrans, through its contractor, Ghilotti, allowed 150 cubic yards of soil to be discharged into Copeland Creek and Laguna de Santa Rosa in the Russian River watershed; and failed to file monthly reports to the Regional Water Board for most of the project's construction time.

The allegations describe violations of the Caltrans General Construction Stormwater Permit and 401 Certification.

"In issuing this complaint, the board's prosecution team took into consideration Caltrans' past history of violations in the region," said Luis Rivera, Regional Water Board assistant executive officer. "The alleged failure to heed warnings, implement good management practices to protect water quality and repeated failure to report self-monitoring activities is a direct violation of the law and the board's permits."

The soil was used to construct temporary earthen dams at the project. The soil caused excess turbidity in the creek, threatening salmon and steelhead spawning areas. The entire Russian River watershed is listed as an impaired water body for sediment under the federal Clean Water Act.

The complaint also alleges that Ghilotti and Caltrans failed to use best management practices to control erosion and stormwater runoff during the project. The total recommended fine is \$5,565,860, which includes \$25,000 for the Regional Water Board's expenses in investigating the violations.



Caltrans was repeatedly warned about its failure to file the monthly reports on the project, which impaired the Regional Water Board's ability to monitor the project. The agency was also cautioned about the in-stream diversions Caltrans and Ghilotti intended to use, warning that they could be easily overwhelmed by summer storms.

If Caltrans and Ghilotti contest the fine, a hearing will be held before the Regional Water Board on January 24, 2013. Evidence and testimony would be taken at the hearing, and the Regional Water Board would consider whether to adopt, modify or reject the proposed assessment, or to postpone the matter to a future board meeting.

For more information about the North Coast Regional Water Quality Control Board, visit: <http://www.waterboards.ca.gov/northcoast/>

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