**DATE:** 11-28-16

**TO: Amer Bata, Deputy District Director, Construction and Land Surveys, Caltrans District 11** **cc:** Laurie Berman, District Director, District 11; 2nd District Supervisor Dianne Jacob; Adam Wilson Supervisor Jacob’s Senior Land Use and Policy Advisor; Melanie Perron, Assistant Deputy Director, External Affairs, Caltrans; Carmen Sandoval, Public and Legislative Affairs, Catltrans; Gail Ramer, District Director, Assembly Member Brian Jones, 71st Assembly District; Alondra Perea, District Representative, Office of State Senator Ben Hueso; Interested Parties

**FROM:** Donna Tisdale, PO Box 1275, Boulevard, CA 91905, 619-766-4170, tisdale.donna@gmail.com

**RE: COMPLAINT & REQUEST ON 1-8 RELATED ASPHALT DUMPING; MAIL LOG 2016-1527B 11-407004**

This is in response to your letter to me dated November 15, 2016 that was triggered by my September 9th complaint regarding the dumping and/or stock piling of recycled asphalt pavement (RAP) grindings, without any apparent pre treatment, compaction, or sealing, in and around water wells in our 100% groundwater dependent and predominantly low-income community of Boulevard in rural east county.

Boulevard has no water district and each property owner relies on their own well, at their own expense, with the exception of the compact Live Oak Springs Water District with less than 100 customers. We have no imported water and no economically feasible alternative to replace our drought-stressed groundwater resources. My September 9th complaint included photos of just some of the RAP dumping and stockpiling with the known addresses, which are attached again for your convenience.

Your response disclosed that your independent contractor has signed agreements with just three property owners when in fact the dumping and stockpiling, described by one contactor as “gifting”, has taken place on many more properties during your I-8 resurfacing project in and around Boulevard and Jacumba Hot Springs, within the Boundary Creek watershed. That watershed is located mostly within the Boulevard Planning Area, upstream from the potable wells that serve Jacumba Hot Springs residents within the Jacumba Community Services District (JCSD).

On November 2nd , Trey Driscoll, a Principal Hydrogeologist with Dudek, sent an email message to the JCSD and others expressing the need for precaution to prevent potential pollution from the dumping of RAP grindings “…all over the Boundary Creek watershed.”

Driscoll noted that these “…RAP grindings can contain heavy metals and poly-aromatic hydrocarbons (PAH) that have been identified as carcinogenic, mutagenic, and teratogenic (can interfere with embryo development)…When subject to precipitation or runoff, these heavy metals and PAHs have the ability to leach out of the road base and into the water table.” Driscoll’s email message, with citations, is attached. As a conservative measure, Driscoll recommends requesting a copy of the contractor’s leach test and avoiding placement of RAP materials within 2,364 feet of JCSD wells. JCSD’s only potable wells are located in the Boundary Creek watershed.

*I am hereby requesting a copy of a leach test from you and /or your contractor for the I-8 RAP grindings that were dumped and/or stockpiled here, and a list of all the addresses where they were dumped. I am also repeating my request for identification of all the* ***applicable federal, state, and local laws*** *referenced in your letter.*

Doug Wylie, of the Regional Water Quality Control Board, Region 7 (RWQCB), sent an investigator to meet with Caltrans to address the significant RAP dumping/stockpiling in the Tule Creek floodplain at the state owned McCain Valley Conservation Camp property, near the main well that serves those prisoners. Mr. Wylie has not responded to my request for a copy of the related RWQCB investigative report. ***I am requesting a copy of that report as well.***

CalTrans cannot and should not be able to evade its responsibility and potential liability or harm that may be caused by any contractor’s or property owner’s lack of compliance of applicable federal, state, and local laws or taking reasonable precautions to protect property and persons, by transferring RAP ownership to that contractor for those unbound grindings that now cover many acres on many properties in the Boulevard and Jacumba Hot Springs area. Our limited and vulnerable groundwater resources are priceless and deserve the utmost respect and protection from all agencies and decision makers. **Thank you for your consideration. I look forward to your reply.**