

Lahontan Regional Water Quality Control Board

July 1, 2015

Angela Calloway
Caltrans District 9
500 South Main Street
Bishop, CA 93514
(angie.calloway@dot.ca.gov)

BOARD ORDER NO. R6T-2015-0036, CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE CALTRANS DISTRICT 9 BRIDGEPORT MAINTENANCE STATION PAVING PROJECT, MONO COUNTY, WDID 6A261505003

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee from the California Department of Transportation – District 9 (Applicant) for the Bridgeport Maintenance Station Paving Project (Project) in Mono County. This Order for WQC hereby assigns the Project the following reference number: Waste Discharge Identification (WDID) No. 6A261505003. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

PROJECT DESCRIPTION

Table of Project Information:

WDID Number	6A261505003
Applicant	Angela Calloway, Environmental Branch Chief Caltrans District 9 500 South Main Street Bishop, CA 93514

Table of Project Information (cont.):

Agent	Jennifer Richardson, Associate Biologist Caltrans District 9 500 South Main Street Bishop, CA 93514
Project Name	Bridgeport Maintenance Station Paving Project
Project Purpose and Description	The purpose of the Project is to capture and treat stormwater runoff that contains road abrasives from the maintenance yard, and prevent the abrasive materials from being discharged into the adjacent wetland. The Project also is designed to repair and prevent further erosion at the discharge point. Project elements include installing a storm water treatment vault and rock slope protection at the discharge point where there is existing channel erosion (head cut).
Project Type	Excavation/Fill (associated with retrofit stormwater controls)
Project County	Mono
Project Address or other Locating Information	415 Jack Sawyer Road Bridgeport, CA 93517
Location Latitude/Longitude	Latitude: 38.24819, Longitude: -119.21591
Hydrologic Unit	East Walker River Hydrologic Unit (630.00)/Bridgeport Hydrologic Area (630.30)
Overall Project Area	60 square feet – 0.001 acre
Receiving Water(s) Name	Unnamed minor wetlands
Water Body Type(s)	Wetland
Designated Beneficial Uses	MUN, AGR, GWR, FRSH, REC-1, REC-2, COMM, COLD, WILD, RARE, SPWN, WQE, FLD
Potential Water Quality Impacts	Discharge of sediments and suspended solids during vault and rock slope protection installation.
Area of Water(s) within the Overall Project Area	0.001 acre

Table of Project Information (cont.):

Impacts of Fill to Waters of the State, including Waters of the U.S.	Total Ecological Restoration and Enhancement Quantity for Temporary Impacts (CIWQS mitigation/restoration table side B)			
	Aquatic Resource Type	Unit	Enhancement	Preservation
	Stream	Acres		
	Channel	Linear Feet		
Wetland	Acres	0.001		
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACE) authorization to proceed under a Nationwide Permit 43, pursuant to Clean Water Act section 404.			
Non-Compensatory Mitigation	Implementation of sediment and erosion control best management practices.			
Compensatory Mitigation	None. The Project purpose is a water quality improvement project.			
Application Fee	\$200			
Estimated Annual Active Discharge Fee ¹	None at this time.			
Estimated Post-Discharge Monitoring Fee ¹	None at this time.			
Fees Received	\$200			

¹The actual Annual Active Discharge Fee and Post-Discharge Monitoring Fee will be calculated using the fee schedule in effect at the time the annual fee is assessed per California Code of Regulations, title 23, section 2200(a)(3).

CEQA COMPLIANCE

The Lahontan Water Board has determined that this Project is exempt from the California Environmental Quality Act (Public Resources Code section 21000 et seq.). In accordance with section 15301, the basis for CEQA exemption is “minor alteration of existing public or private facility.” A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge

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of dredged or fill materials to waters of the United States, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and the fees required for WQC under Section 401 for the Project. The Applicant has applied for USACE authorization to proceed under Nationwide Permit No. 43 pursuant to CWA section 404.

California Code of Regulations (CCR) title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.
5. The Project must be constructed and operated in accordance with the project described in the application for WQC that was submitted to the Water Board. Deviation from the project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including project operation, must be submitted to the Executive Officer for prior review and written approval.

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6. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this certification and civil or criminal liability.
7. The Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act, or as appropriate to coordinate the operations of this project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code sections 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the applicant must obtain authorization for the take prior to construction or operation of the project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the project authorized under this certification.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. Construction equipment must be clean and free from oil, grease and loose metal material and must be removed from service if necessary to protect water quality.
2. An emergency spill kit must be at the project site at all times.
3. Water Board staff must be permitted to enter the project site and sample any discharge.
4. No debris, cement, concrete (or wash water therefrom), oil or petroleum products are permitted to enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from the Project work area and any areas

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adjacent to the work area where such material may be transported into waters of the state.

5. Wetland areas near the Project area and staging area that, according to the application will be avoided, must be protected by colored construction fencing or equivalent barriers.
6. The Applicant must immediately notify Water Board staff by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Pursuant to CWC section 13267(b), a written notification of the adverse condition must be provided to the Water Board within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.
7. The Applicant must prevent the introduction or spread of noxious/invasive organisms within the Project and staging areas. The control measures may include activities such as cleaning all equipment and gear that has been in an infested site, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of disturbed areas.

Enforcement

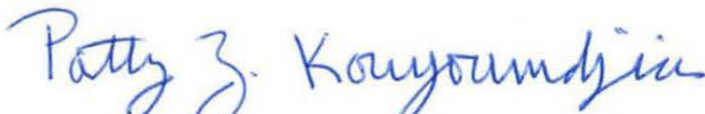
1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of CWA, section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
2. In response to a suspected violation of any condition of this certification, the State Water Board or Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION GRANTED

I hereby issue this Order certifying that any discharge from the referenced Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of state law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this WQC.

If you have any questions or comments regarding this permit, please contact Bud Amorfini, Engineering Geologist, at bud.amorfini@waterboards.ca.gov (530-542-5463) or Alan Miller, Chief, North Basin Regulatory Unit, at alan.miller@waterboards.ca.gov (530-542-5430). **Electronic document submittal is required. Please send your comments or documents to the Water Board's email address at Lahontan@waterboards.ca.gov and include your WDID No. or Facility Name in the Subject Line.**



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

cc: Jenny Richardson/Caltrans District 9
Leah Fisher/U.S. Army Corps of Engineers, Sacramento District
Bill Orme/State Water Resources Control Board, Division of Water Quality
Jason Brush/Wetlands Regulatory Office (WTR-8), US EPA, Region 9
Heidi Calvert/California Department of Fish and Wildlife