



**California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson**



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold
Schwarzenegger
Governor

January 10, 2006

Mr. Ed Espinoza
CDOT - Redding
1657 Riverside Drive
Redding, CA 96001

Dear Mr. Espinoza:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Stuart Fork Bridges Project

File: CDOT – Hwy 3, Stuart Fork Bridges
WDID No. 1B05110WNTR

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of the California Department of Transportation (applicant), for Water Quality Certification to replace the Highway 3 bridge over East Fork Stuart Fork Creek and to implement various safety improvements on the Highway 3 bridge over Trinity Lake at Stuart Fork Creek, in Trinity County. On August 1, 2005, the Regional Water Board received your application and a \$1202.50 processing fee. On December 19, 2005, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project.

Project Description: The primary purpose of the Stuart Fork Bridge project is to address several safety concerns. Activities associated with the Stuart Fork project include seismic retrofitting the existing bridge, cutting back the slope of a road cut on the northeast end of the bridge to improve sight distance, replacing the existing railing and curb, removing the existing asphalt concrete overlay and replacing the overlay with polyester concrete. Construction activities at the Stuart Fork Bridge do not require access into or disturbance below ordinary high water of Trinity Lake.

The primary purpose of the East Fork Stuart Fork Bridge project is to address the limited hydraulic capacity of the existing bridge by replacing the bridge with a longer and wider bridge that conforms to current bridge standards. Construction activities at the East Fork Stuart Fork Bridge require access to the water's edge on both

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banks to allow for construction of the new bridge and removal of the existing bridge, abutments and rock slope protection. The existing abutments will be excavated to a depth of two feet below ground and the existing rock slope protection will be reused around the new abutments.

- Receiving Waters: Stuart Fork Creek and East Fork Stuart Fork Creek in the Upper Trinity River Hydrologic Area No. 106.40
- Filled or Excavated Area: Stuart Fork Creek Bridge
Area Temporarily Impacted: none
Area Permanently Impacted: none
- East Fork Stuart Fork Creek
Area Temporarily Impacted: none
Area Permanently Impacted: 0.16 acre of stream bank
- Total Linear Impacts: Stuart Fork Creek Bridge
Length temporarily impacted: none
Length permanently impacted: none
- East Fork Stuart Fork Creek
Length temporarily impacted: none
Length permanently impacted: 72 feet of stream bank
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 13
- Compensatory Mitigation: None
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control and for heavy equipment use near lakes and stream channels. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
- CEQA Compliance: The California Department of Transportation, as the lead agency for CEQA, determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 2).
- Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 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 nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.
- 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 4) A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the attention of Regional Water Board staff Dean Prat at least 30 days prior to the start of the project.

- 5) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
- 6) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 7) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, acetone, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
- 8) All materials used for cleaning concrete from tools and equipment, and any wastes generated by this activity, shall be adequately contained to prevent contact with soil and surface water and shall be disposed of properly.
- 9) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 10) The total area of all permanent and temporary impacts to waters of the United States shall not exceed 0.16 acre.
- 11) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
- 12) Fueling, lubrication, maintenance, operation, storage and staging of vehicles and equipment shall be outside of waters of the United States and shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.

- 13) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 14) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 15) All work within waters of the United States shall not commence until June 15th and shall be completed prior to October 15th.
- 16) All activities, Best Management Practices, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.
- 17) Visual observations for turbidity shall be conducted whenever a project activity has the potential to increase the turbidity of Stuart Fork Creek or East Fork Stuart Fork Creek. Field turbidity measurements shall be collected whenever a visible increase in turbidity is observed in order to demonstrate compliance with receiving water limitations. Whenever an increase in turbidity is observed, turbidity measurements shall be collected upstream (within 50 feet) of project activities (background) and downstream (within 100 feet) of the source of turbidity. The frequency of monitoring shall be a minimum of every two hours during periods of increased turbidity until field monitoring demonstrates compliance with receiving water limitations and turbidity levels are no longer increasing as a result of project activities.
- 18) The applicant shall take photos of the project during construction in order to document compliance with this Certification. A report containing these photos shall be submitted within 60 days of project completion.
- 19) The applicant shall take photos of all areas disturbed by project activities, including the excess materials disposal area, after the first rainfall event that generates visible runoff from these areas in order to demonstrate that erosion control measures have been successful. A report containing these photos shall be submitted within 60 days of the first rainfall event that generates runoff from the disturbed areas.
- 20) Visual observations for increased turbidity shall be conducted and recorded whenever a project activity or subsequent erosion of a disturbed area has the potential to increase

turbidity in any surface water. Field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Turbidity measurements shall be collected upstream (within 50 feet) of project activities and downstream (within 100 feet) of the source of turbidity. The monitoring frequency shall be a minimum of every two hours during periods of increased turbidity or until turbidity levels are no longer increasing as a result of project activities. If turbidity levels are greater than 20 percent above background levels 100 feet downstream of the project area, the distance to the downstream extent of the turbidity increase (greater than 20 percent above background) shall be determined and promptly reported to Regional Water Board staff. All recorded visual observation and all field turbidity measurements shall be submitted in a report to the Regional Water Board within 60 days of project completion.

- 21) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Stuart Fork Bridge and East Fork Stuart Fork Bridge Projects, (Facility No. 1B05110WNTR) 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 [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control 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 Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2010. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:

State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,
San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502