



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

April 11, 2005

Mr. Jim Hale
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

Dear Mr. Hale:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the City of Rio Dell's Water Intake System Project

File: City of Rio Dell – Water Intake System Project
WDID No. 1B04085WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). The Order is being issued in response to the City of Rio Dell's request for a Water Quality Certification to construct a water intake system on the Eel River for the City of Rio Dell in Humboldt County. The Regional Water Board received an application and processing fee in the amount of \$1360 on July 6, 2004. An additional \$1490 was submitted on February 28, 2005 to cover the remaining balance of the processing fee. The application was deemed complete on April 4, 2005 upon submittal of documentation demonstrating the project has complied with the California Environmental Quality Act (CEQA). Information describing the proposed project was noticed for public comment for a 21-day period starting on July 15, 2004, on the Regional Water Board's web site. No comments were received.

Project Description: The purpose of the project is to provide a permanent water supply that can reliably serve the needs of the City of Rio Dell now and for some time in the future. Construction includes excavation and installation of piping; filter gravels and armor rock, a reinforced concrete wet well, and appurtenant structures both above and below the ordinary high water mark of the Eel River. The project includes temporary isolation of the low-flow channel from the construction site with sand bags or other separation method, dewatering of the construction area with a

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temporary pump and settling pond system designed to remove sediment from the water prior to percolation into the gravel bar, and construction of a water infiltration gallery below the river's low-water level during the dry season.

The wet well that will house the raw water transfer pumps and receive the collected water will be constructed on a bench within the northerly riverbank, on the southeast side of Edwards Drive. The bottom of the wet well will be approximately 50 feet below existing ground. A significant portion of the wet well excavation area will be backfilled with native material and likely capped with concrete slurry and riprap to protect the structure from high water erosion. The structure will be designed to withstand the forces of high-water flows and seismic conditions, and the resulting lateral loads. There will be two or three transfer pumps installed within the wet well for the purpose of transporting collected river water to the treatment plant for filtration and disinfection prior to distribution.

Receiving Water:	Eel River, Lower Eel River Hydrologic Area No. 111.10
Filled or Excavated Area:	Area Temporarily Impacted: 1.07 acres
Area Permanently Impacted:	None
Total Linear Impacts:	Length Temporarily Impacted: 1800 feet
Length Permanently Impacted:	None
Federal Permit:	United States Army Corps of Engineers Nationwide Permit No. 12 (No. 28557N)
Compensatory Mitigation:	Riparian vegetation impacts will be mitigated on-site and in-kind at a 1:1 ratio.
Noncompensatory Mitigation:	A temporary settling basin will be located on a gravel bar downstream of the project and will serve to remove sediment from water pumped from the construction area, prior to percolation back into the river. Following project construction, the ground surface will be restored to preproject conditions. The applicant will prepare a Storm Water Pollution Prevention Plan, which includes Best Management Practices for the

project. The placement and removal of a temporary isolation barrier adjacent at the edge of the low-water channel has the potential to harm fish present at the time of construction. However, there is a very low potential for any sensitive aquatic species to be present during the construction period.

CEQA Compliance:

The City of Rio Dell, as the lead California Environmental Quality Act (CEQA) agency, adopted a Negative Declaration (SCH# 2004112061) for this project on December 21, 2004.

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 Regional Water Board shall be notified 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 on-site and to answer any public inquiries that may arise regarding the project.

- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, 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. When operations are completed, any excess material or debris, including concrete washings, 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.
- 3) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment 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. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.
- 4) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 5) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction to ensure that no silt or sediment enters surface waters.
- 6) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 7) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.

- 8) 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 City of Rio Dell's Water Intake System Project (Facility No. 1B04085WNHU) 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 November 15, 2006 or upon completion of the project, whichever occurs first. 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 at (707) 576-2801 or dprat@waterboards.ca.gov prior to commencement of the project (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. 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: Mr. Ted Grantham, SHN Consulting Engineers, 812 W. Wabash, Eureka, CA 95501-2138
Ms. Sheryl Schaffner, Mr. Erik Spiess, SWRCB, Office of Chief Counsel
Mr. Oscar Balaguer, 401 Program Manager, WQCU, SWRCB
Mr. Tim Vendlinski, Supervisor of Wetlands Regulatory Office (WTR-8), U.S.EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105
Ms. Jane Vorpapel, California Department of Fish and Game, 601 Locust Street, Redding, CA 96002
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
Mr. Mike Long, U.S. Fish and Wildlife Service, Arcata Field Office, 1655 Heindon Road, Arcata, CA 95521