



Alan C. Lloyd, Ph.D.
Agency Secretary

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

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

September 12, 2005

Ms. Gail Popham
CDOT - Eureka
1656 Union Street
Eureka, CA 95501

Dear Ms. Popham:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the CDOT – City of Eureka - Airport Road Jack and Bore Culvert Project

File: CDOT – Eureka, City of - Airport Road Jack and Bore Culvert Project
WDID No. 1B05076WNHU

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 for Water Quality Certification for the California Department of Transportation, Airport Road Jack and Bore Culvert Project in Eureka, Humboldt County. The Regional Water Board received your application and processing fee in the amount of \$500 on June 7, 2005. Regional Water Board staff deemed your application complete on August 8, 2005; upon our receipt of documentation demonstrating the project has complied with the California Environmental Quality Act. On August 9, 2005, we posted a notice and information describing your project on our website for a 21-day public comment period. We did not receive any public comments regarding your project.

Project Description: The project site is located on the south side of northbound Highway 101, at its intersection with Airport Road (Post Mile 80.84). The project area drains to a manmade slough, which drains to Eureka Slough, tributary to Humboldt Bay. Humboldt Bay is listed on the Environmental Protection Agency's Clean Water Act Section 303(d) list of impaired water bodies.

The purpose of the project is to prevent overflows during high rainfalls, alleviating flooding on Jacobs Avenue, an arterial located adjacent and parallel to Highway 101. Airport Road connects Jacobs Avenue and Highway 101. The area between Jacobs

California Environmental Protection Agency

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Avenue and Highway 101 is presently drained via an existing drainage system (Airport Road Ditch), which drains to a manmade slough, but the applicant indicates that the system cannot handle extreme rainfall events. The proposed project will provide additional drainage capacity for this area.

The applicant is proposing to install a 36-inch by 115-foot reinforced concrete pipe under Airport Road, a 30 foot pipe section with a flared end section on the west (inlet) end of the concrete pipe, a 23 foot pipe section at the east (outlet) end of the concrete pipe, and a 10 by 50 foot rock-lined ditch at the outlet. The project will involve approximately 500 square feet of soil disturbance at the inlet (west) end and 2000 square feet of soil disturbance at the outlet (east) end.

The applicant will use the jack and bore method, a micro tunneling method to install the culvert, so there will be no trenching across the roadway. Trenching will be necessary to facilitate installation of the pipe sections at the inlet and outlet of the concrete pipe. The project will involve approximately 500 square feet of soil disturbance at the inlet (west) end and 2000 square feet of soil disturbance at the outlet (east) end.

The applicant will use sandbags and water bladders at the existing ditch on the west to create a dry work area. If excavated areas require dewatering due to inundation from higher tides, the applicant will place all materials in a sedimentation basin or provide for offsite disposal to assure that sediment will not enter receiving waters. Equipment used may include dump trucks, backhoes, dozers, pumps, and a jack and bore rig.

Receiving Water:	Eureka Slough, Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00.
Filled or Excavated Area:	Total area impacted: 0.003 acre Temporarily Impacted: 0.002 acre (dredged) Permanently Impacted: 0.001acre (fill)
Linear Impacts:	Total linear impact: 20 feet
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permits No. 33 (Non-reporting) for Temporary Construction, Access and Dewatering.

Compensatory Mitigation: None required for this project.

Noncompensatory
Mitigation:

Noncompensatory mitigation measures include the use of Best Management Practices (BMPs) for heavy equipment use and sediment and turbidity control. All work shall be done during the low tides and the dry season, June 15 to October 15. Flagging or fencing will be use to ensure that construction equipment and materials do not enter the nearby man-made slough. All disturbed soils will be planted with local native plant seed. Site profiles and grades will be restored to their natural configuration upon completion of the project. The California Department of Fish and Game Permit, Lake or Streambed Alteration Agreement (1602 Permit), is not required for this project.

CEQA Compliance:

The City of Eureka, as the lead California Environmental Quality Act (CEQA) agency, certified the project as Categorical Exempt, Class 1-C, Section 15301 on August 11, 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 applicant shall notify Regional Water Board staff prior to the commencement of the project, with details regarding the project schedule, in order to allow staff to be present onsite during implementation, 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 shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any surface water.
- 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) BMPs for heavy equipment use and sediment and turbidity control shall be implemented and in place prior to and during construction.
- 5) 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.
- 6) 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.
- 7) 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 Eureka, Airport Road Jack and Bore Culvert Project (Facility No. 1B05076WNHU) 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 September 7, 2010 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 Diana Henriouille of our staff at (707) 576-2350 prior to commencement of the portion of the project that is subject to this Water Quality Certification (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: 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. Oscar Balaguer, Division of Water Quality, 401 Program Manager Certification Unit, SWRCB