



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold
Schwarzenegger
Governor

March 28, 2006

Mr. Gordie Amos
Sierra Pacific Industries
P.O. Box 1189
Arcata, CA 95521-1189

Dear Mr. Amos:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Sierra Pacific Industries Detention Basin and Outfall Project

File: Sierra Pacific Industries – Detention Basin Outfall
WDID No. 1B05064WNHU

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 Sierra Pacific Industries (applicant), for Water Quality Certification for activities related to installation of a detention basin and outfall structure at the Arcata Division Sawmill in Humboldt County. On May 12, 2005, the Regional Water Board received your application and a \$500.00 processing fee. On February 27, 2006, 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 project involves construction of drainage swales and detention basins for treatment and disposal of sprinkler water runoff and storm water runoff from a portion of the sawmill's log deck. Drainage swales will be installed along the edge of the paved log deck to collect and convey runoff into the new treatment basins. The collected runoff will first enter a lined basin that is designed to remove dirt, bark, and rock from the runoff. The lined basin allows the use of heavy equipment to remove the collected solids and the treated water will overflow into an adjacent unlined basin.

The unlined basin is designed to store water that has already passed through the lined basin and to allow the water to percolate. An outfall pipe and overflow structure will be installed between the unlined basin and the adjacent Vegetated Pond. The overflow of treated log deck runoff to the Vegetated Pond is subject to the requirements of an individual National Pollutant Discharge Elimination System Permit.

California Environmental Protection Agency

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Runoff from a portion of the log deck currently drains into an existing unlined detention basin that was installed several years ago as a Best Management Practice for storm water runoff treatment and control. Cattails grew in one end of this constructed detention basin and the U.S. Army Corps of Engineers (Army Corps) has determined that filling the approximately 4,000 square foot detention basin will result in the permanent loss of 1,500 square feet of wetlands. The Army Corps also determined that vegetation removal and placement of the outfall structure between the proposed detention basin and the Vegetated Pond will permanently impact an additional 200 square feet of wetland. Compensatory mitigation is required for the permanent impact to onsite wetlands.

- Receiving Waters: Unnamed tributary to the Mad River Slough in the Eureka Plain Hydrologic Unit No. 110.00
- Latitude/Longitude: 40.866N/124.153W
- Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 1,700 square feet (0.04 acre) of wetland
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 7
- Compensatory Mitigation: Compensatory mitigation will consist of creating two new areas of wetlands onsite. To compensate for the permanent loss of 1,500 square feet of wetlands associated with filling the existing storm water retention basin, the applicant will create a 6,900 square foot unlined detention basin that is very similar to the existing basin that would be filled. To compensate for the permanent loss of 200 square feet of wetland associated with construction of an outfall to the Vegetated Pond, the applicant will create approximately 5,360 square feet of new wetlands onsite in an area adjacent to the proposed detention basins. Compensatory wetland mitigation activities will be implemented in accordance with the applicant's *Compensatory Wetland Mitigation Plan* dated October 27, 2004.
- Noncompensatory Mitigation: Noncompensatory mitigation shall include the use of Best Management Practices (BMPs) for heavy equipment use near waterways and for sediment and turbidity control. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
- CEQA Compliance: The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has

determined that this project will not have a significant effect on the environment and is categorically exempt from CEQA (Class 4, Section 15304, Minor Alterations to Land).

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) Adequate BMPs for sediment and turbidity control, and for concrete use near surface waters, shall be implemented and in place prior to, during, and after construction in order to ensure that no concrete, silt, or sediment enters surface waters.
- 5) 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.
- 6) 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.
- 7) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging 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.
- 8) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 9) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 10) All activities, BMPs, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.
- 11) 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 Sierra Pacific Industries Detention Basin and Outfall project (Facility No. 1B05064WNHU) 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 March 28, 2011. 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 this project.

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
Mr. Bob Ellery, Sierra Pacific Industries, P.O. Box 496011, Redding, CA 96049-6011
Mr. Frank Szerdy, Geomatrix Consultants, 2101 Webster Street, 12th Floor, Oakland, CA
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