



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



**Dan Skopec**  
*Acting Secretary*

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**Arnold  
Schwarzenegger**  
*Governor*

April 20, 2006

Mr. Rob Ricci  
Simpson Timber Company  
5151 North Highway 101  
Eureka, CA 95503

Dear Mr. Ricci:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Simpson Timber Company Brainard Facility Levee Repair Project

**File:** Simpson Timber Company, Brainard Facility Levee Repair Project  
WDID No. 1B06028WNHU

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 to repair the eroded shoreline at the Brainard Remanufacturing Facility in Eureka, Humboldt County. On March 13, 2006, the Regional Water Board received your application and a \$500 processing fee. On March 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 purpose of the project is to repair and protect 1600 feet of eroded levee located along the eastern shoreline of Humboldt Bay (APN's 017-081-001 and 404-141-004). Local winter storms caused a significant quantity of soil to erode from the upper portion of the levee and its bayward face, leaving only 10-15 feet of top surface intact. The project involves an area approximately 1,600 feet long and up to 15 feet wide. The applicant proposes to grade a portion of the top and bayward face of the existing levee in order to establish a consistent slope. A geotextile fabric that complies with California Department of Transportation specifications will be placed on top of the graded soil slope and anchored at the top and toe. Rock Slope Protection (RSP) will be placed on top of the fabric to a depth of two feet at the top and three feet at the toe. The size of the RSP material used will depend upon the slope; the applicant will use ¼-ton RSP for slopes that are 2:1 or less and ½-ton RSP for steeper slopes. The applicant proposes

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to place a total of 1,333 cubic yards of RSP; 150 cubic yards of this will be located between Mean High Water and High Tide Line.

- Receiving Waters: Eureka Plain Hydrologic Unit No. 110.00.
- Filled or Excavated Area: Area Temporarily Impacted: 1333 cubic yards  
Area Permanently Impacted: 150 cubic yards
- Total Linear Impacts: Length temporarily impacted: 1600 feet by 15 feet wide  
Length permanently impacted: none
- Federal Permit: U.S. Army Corps of Engineers Individual Permit (300030N)  
Nationwide Permit 3 for *Maintenance* and 13 for *Bank Stabilization*
- Compensatory Mitigation: None
- Noncompensatory Mitigation: The project does not involve vegetation removal. No aquatic or terrestrial wildlife are located at the proposed project site. Best Management Practices for sediment and erosion control and heavy equipment will be implemented. A silt curtain will be used to control potential turbidity impacts. All equipment staging will occur in upland areas. The applicant has obtained an Emergency Permit for levee repair from the California Coastal Commission (No. 1-06-006-G). ), pursuant to Title 14 of the California Code of Regulations, Section 13009.
- CEQA Compliance: On March 29, 2006, the North Coast Regional Water Board, as lead agency for CEQA, determined that the project is categorically exempt, in accordance with Article 19 Class 1, section 15301 (*Existing Facilities*) of the 2002 California Environmental Quality Act Guidelines.
- 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
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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) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).

- 6) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 7) 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.
- 8) 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.
- 9) 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 Simpson Timber Company, Brainard Facility (WDID 1B06028WNHU) 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

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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 25, 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 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 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 95501  
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, State Water Resources Control Board, 1001 I Street, 15<sup>th</sup> Floor, Sacramento, CA 95814