



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



Linda S. Adams
Agency Secretary

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

Arnold
Schwarzenegger
Governor

June 28, 2006

Mr. Gerald Kindsfather
Humboldt Waste Management Authority
1059 W. Hawthorne
Eureka, CA 95501

Dear Mr. Kindsfather:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for In-Stream Erosion Control Activities at the Cummings Road Landfill

File: Humboldt WMA – In-Stream Erosion Control, Cummings Rd. Landfill
WDID No. 1B06027WNHU

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 Humboldt Waste Management Authority (applicant), for Water Quality Certification for activities related to the removal, installation and maintenance of in-stream sediment control measures at the Cummings Road Landfill in Eureka, Humboldt County. On March 9, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On June 6, 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 public comments on this project.

Project Description: The Cummings Road Landfill is located at 5775 Cummings Road, approximately two miles southeast of the City of Eureka. The landfill no longer accepts waste and is in the final closure process. The surface of the landfill was significantly altered during the summer of 2005 for preparation of the final landfill cover system that is scheduled for installation during the summer of 2007. Approximately 45 acres of the landfill surface was disturbed and the erosion control measures were not successful in preventing significant movement of the disturbed soil. Most of the runoff from the disturbed landfill surface was routed through sedimentation basins. The toe of the landfill is below the elevation of the sedimentation basins and runoff from that area carried

California Environmental Protection Agency

Recycled Paper

eroded sediments into a creek channel and the adjacent floodplain.

During November 2005, a series of emergency sediment control structures was placed in the affected creek channel. The sediment control structures consisted of a series of check dams constructed with hay bales that were staked in place and covered with non-woven geotextile filter fabric. The filter fabric was secured with sandbags and rock. The original six sediment control structures filled with sediment within the first month of installation.

Captured sediment was removed several times. The removed sediment was used to fill more sandbags and the additional sandbags were used to improve the sediment control structures. Additional work to the landfill cover and drainage system was also conducted in an effort to control additional erosion.

The project involves grading work on the landfill cover to repair and modify the surface water collection system, construction of a road along the affected creek to provide access to the sediment control structures, removal of the existing emergency sediment control structures, and replacement of the control structures with permanent sediment traps consisting of rock check dams covered with geotextile fabric. The sediment control structures would permanently impact approximately 600 square feet of stream channel. Maintenance of the check dams and removal of accumulated sediment is anticipated to be necessary through 2010, approximately three years following the installation of the final cover on the landfill. After the landfill cover is fully vegetated and monitoring shows the cover is stable, the check dams will be removed and the creek channel will be cleaned out and allowed to revegetate.

Receiving Waters:	An unnamed tributary to Freshwater Slough in the Eureka Plain Hydrologic Unit No. 110.00.
Latitude/Longitude:	40.767N/124.092W
Filled or Excavated Area:	Area Temporarily Impacted: none Area Permanently Impacted: 600 square feet of stream channel
Total Linear Impacts:	Length Temporarily Impacted: none Length Permanently Impacted: 180 feet of stream channel
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit Nos. 3 and 33 (File No. 300450N)
Compensatory Mitigation:	None.

Noncompensatory
Mitigation:

Non-compensatory mitigation measures include cleanup of captured sediment, the future removal of the sediment control structures, and revegetation of affected sections of the creek channel. Non-compensatory mitigation measures also include the use of Best Management Practices for sediment and turbidity control. The applicant has also applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.

CEQA Compliance:

Humboldt Waste Management Authority, as lead California Environmental Quality Act (CEQA) agency, certified a Mitigated Negative Declaration for closure of the landfill on January 25, 2003.

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) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, 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.

- 2) The applicant shall notify Regional Water Board staff at least thirty days prior to the removal of the sediment check dams in order to allow staff the opportunity to inspect the landfill cover and stream channel prior to removal of the check dams.
- 3) The sediment check dams shall be adequately maintained until Regional Water Board staff agree that the sediment check dams can be removed. Sediment that is captured and removed from the check dams and affected stream channel shall not be placed in a manner that could result in a discharge or threatened discharge to waters of the United States.
- 4) All activities and Best Management Practices shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 5) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during and after construction in order to prevent silt and sediment from entering surface waters.
- 6) 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.
- 7) 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.
- 8) No debris, 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.
- 9) Project activities shall comply with provisions in the North

Coast Region Water Quality Control Plan (Basin Plan).

- 10) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 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 Cummings Road Landfill - In-Stream Erosion Control project, (Facility No. 1B06027WNHU) 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 July 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 so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

062806_DLP_humboltwmacummings401cert.doc

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. Steve Salzman, Winzler & Kelly Consulting Engineers, 633 Third Street, Eureka, CA 95501