



California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman



Linda S. Adams
Secretary for
Environmental Protection

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Arnold
Schwarzenegger
Governor

September 27, 2006

Ms. Laura Peltz
Sonoma County Department
of Transportation and Public Works
2300 County Center Drive, Suite B100
Santa Rosa, CA 95403

Dear Ms. Peltz:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Sonoma County Department of Transportation and Public Works, Geysers Culvert Replacement Project

File: Sonoma County Department of Transportation and Public Works, Sonoma County, WDID No. 1B06077WNSO

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). On June 6, 2006, the Regional Water Board received a processing fee of \$619.35 and an application from Mr. Steve Dee, on behalf of the Sonoma County Department of Transportation and Public Works (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Geysers Culvert Replacement Project located at post mile 15.18 on Geysers Road, Geyserville. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The project will impact Waters of the United States associated with Lover's Creek in the Geyserville Hydrologic Sub Area No. 114.25, Russian River Hydrologic Unit No. 114.00.

Project Description: The project is located at post mile 15.18 on Geysers Road, in Geyserville, Sonoma County. The purpose of the project is to improve drainage adjacent to Geysers Road. An existing culvert crossing under Geysers Road has suffered upstream and downstream erosion and was damaged in the 2005 and 2006 storms. The Applicant will replace the existing 36-inch culvert with a 90 foot long 36-inch culvert.

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The project will result in placement of 89.5 cubic yards of fill within Lover's Creek and impact 0.009 acres of the creek.

The project includes the use of best management practices (BMPs) to control erosion and sediment discharges to surface waters.

Receiving Water: Lover's Creek in the Geyserville Hydrologic Sub Area No. 114.25, Russian River Hydrologic Unit No. 114.00

Federal Permit: The Applicant is operating under the non-reporting Nationwide Permit No. 3

State and Local Approvals: The Applicant has applied for a California Department of Fish and Game Lake and Streambed Alteration Agreement for the project

Filled or Excavated Area: Total Area Impacted: 0.009 acres of wetland habitat
Area Temporarily Impacted: 0.00 acres
Area Permanently Impacted: 0.009 acres

Compensatory Mitigation: None required

Non-compensatory Mitigation: Non-compensatory mitigation measures have been incorporated into the project to reduce the potential impacts to water quality from the project. Mitigation measures include the use of construction storm water control BMPs.

CEQA Compliance: The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, Section 15301 for Existing Facilities, pursuant to CEQA.

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 article 6 (commencing with section 3867) of Chapter 28, Title

23 of the California Code of Regulations (CCR 23) 23 CCR 3867.

- 2) This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the Applicant.

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 in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present during construction, 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 Order, 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 stream, Waters of the State or Waters of the United States.
- 3) BMPs for erosion, sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters. And heavy

equipment shall not enter within the banks of the channel.

- 4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
- 5) A copy of this Order shall be provided to the contractor and all subcontractors conducting the work, and shall be in their possession at the work site.
- 6) If, at any time, a 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) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. The disturbed portions of any Waters of the State or Waters of the United States shall be restored to as near their original condition as possible.
- 8) All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
- 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 shall send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request shall 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 shall 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.

- 10) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from the Geysers Road Culvert Replacement Project, (WDID No. 1B06077WNSO) 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 (Enclosed).

Except insofar 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 15, 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 Mona Dougherty of my staff at (707) 570-3761 prior to construction (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. Oscar Balaguer, SWRCB, 401 Program Manager

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Mr. Bill Cox, Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599

U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street,
San Francisco, CA 94105

Mr. Dick Butler, NOAA Fisheries, 777 Sonoma Avenue, Suite 325,
Santa Rosa, CA 95404