



California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman



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Secretary for
Environmental Protection

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Arnold
Schwarzenegger
Governor

April 3, 2007

In the Matter of

Water Quality Certification

for the

CALIFORNIA DEPARTMENT OF TRANSPORTATION, HIGH ROCK CULVERT REHABILITATION PROJECT: WDID NO. 1B06177WNHU

RECEIVING WATER: Eel River
HYDROLOGIC AREA: Scotia Hydrologic Subarea No. 111.12
COUNTY: Humboldt County
APPLICANT CONTACT: Mr. Richard Mullen

BY THE EXECUTIVE OFFICER:

1. On November 13, 2006, the California Department of Transportation (CDOT) filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the High Rock Culvert Rehabilitation Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 19, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the project is to stabilize the roadway, rehabilitate the drainage system and minimize sediment transport. The existing 53-inch diameter culvert on State Route 101, Post Mile 37.68, has a down drain that has separated at several locations and that has an invert in poor condition. The existing culvert was extended into the channel several decades ago; over the years the culvert has separated, causing sinkholes, erosion, and tree growth on top of the culvert. The existing condition of the drainage system has resulted in significant sediment delivery into downstream State Park Property. Roadway runoff has caused the fill prism on the inlet side of the culvert to erode.
3. The project involves extending the inlet by 7 feet to accommodate a 3-foot debris riser, installing a new headwall, lining a 190 foot culvert with a 48 inch diameter polyethylene pipe and constructing a new concrete endwall for the outlet. After removing the separated corrugated steel pipe down drain, the applicant will fill 230 feet of ditch with 667 cubic yards of rock. The flow line of the rock lined ditch will

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mimic that of the downdrain, simulating a natural stream. The applicant proposes to remove trees, including Douglas fir and redwoods ranging in diameter from 8-21 inches at breast height (DBH), in order to facilitate the removal of the existing culvert, daylighting the channel. The applicant will remove the existing debris rack and herbaceous vegetation from the inlet area, and will install a headwall and debris riser. California Conservation Corps crews will remove French broom plants in the project area and will be responsible for maintenance for five years after completion of the project.

4. The downed trees at the outlet will be used in the restoration, and excavated material will be used to form the slopes of the rock lined channel. If there is flowing water in the drainage channel, the applicant will use a temporary cofferdam, water bladder or sandbag barrier to dewater the channel. Water will be pumped or gravity fed through the culvert to an area downstream of the project site. The steep, rock-lined stream channel below the culvert precludes fish passage into the project area, but the applicant will screen intakes to prevent uptake of other aquatic species. Project site revegetation with native woody riparian and upland vegetation will improve bank stability and provide permanent erosion control. All bare areas will be hydro-seeded, with seeds from species native to the general vicinity of the project, and/or planted with native trees and shrubs. Planting is estimated to begin in October, and will be completed within two weeks. Monitoring for planting success and erosion control will occur once a month during the first spring and summer after planting. In the second and third years after planting, site inspections conducted in June and September will document plant success.
5. Compensatory mitigation is not required. Non-compensatory mitigation measures have been incorporated into the project to reduce potential impacts to water quality, including erosion and sediment control Best Management Practices (BMPs) to reduce the potential for turbid discharges to surface waters. All BMPs and control measures shall be implemented as described in the project description and in compliance with the Caltrans Construction Site Best Management Practices Manual.
6. The project activity schedule starts August 1, 2007, with an estimated completion time of 45 days. The work windows for activities such as jackhammer use, heavy equipment operation at the outlet and rock placement between August 1 and September 15 are limited to two hours after sunrise and two hours before sunset. All work will be completed by October 15.
7. Impacts to waters of the State and the United States are minimal because the primary purpose of the project is to prevent sediment from entering waters of the state United States. The project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the State and United States.
8. The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 1, section 15301 Existing Facilities). The United States Army Corps of Engineers has permitted this project under Nationwide Permit Number 3 for *Maintenance*, pursuant to Clean Water Act, section 404.

Receiving Water: Unnamed tributary to the Eel River
Scotia Hydrologic Sub Area No.111.12
Eel River Hydrologic Unit No.111.00

Latitude/Longitude: 40° 22' 30"N / 123° 55' 30" W

Filled or Excavated Area: Area Permanently Impacted: 0.1 acres of an unnamed tributary to the Eel River

Expiration: October 15, 2011.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CDOT HIGH ROCK CULVERT REHABILITATION PROJECT (FACILITY NO. 1B06177WNHU), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the CDOT complies with the following terms and conditions:

1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. CDOT shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
3. CDOT shall provide Regional Water Board staff access to the project site to document compliance with this certification.
4. CDOT shall provide a copy of this certification and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. CDOT shall be responsible for work conducted by its contractor or subcontractors.
5. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to

any violation of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

6. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, the CDOT shall immediately cease work on the project and notify the Regional Water Board.
7. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
8. This Order is not transferable. In the event of any change in control or 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
9. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
10. 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.
11. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
12. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
13. 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 title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

14. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water. The BMPs shall be implemented in accordance with the Caltrans Construction Site Best Management Practices Manual (Manual) and all contractors and subcontractors shall comply with the Manual.
15. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly and in accordance with the Special Provisions for the project and/or Standard Specification 7-1.13, Disposal of Material Outside the Highway Right of Way. Caltrans shall submit to the Regional Water Board the satisfactory evidence provided to the Caltrans engineer by the Contractor referenced in Standard Specification 7-1.13.
16. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
17. All additional conditions required by this Order shall be included in the Plans and Specifications prepared by Caltrans for the Contractor. In addition, Caltrans shall require compliance with all additional conditions included in this Order in the bid contract for this project.
18. The Resident Engineer shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions as to how to avoid violations and procedures for reporting violations. The meetings shall be held at least weekly, and particularly before forecasted storm events and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or biological monitors assigned to the project, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.

19. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
20. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.
21. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
22. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
23. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.

Please contact Dean Prat of our staff at (707) 576-2801 if you have any questions.

Catherine E. Kuhlman
Executive Officer

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Enclosures: 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.

Original to: Mr. Richard Mullen, CDOT, 1656 Union Street, Eureka, CA 95501

Copies to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act
Section 401 Certification and Wetlands Unit Program
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,
CA 95502
Ms. Samantha Olson, SWRCB, Office of the Chief Counsel
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455
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