



**California Regional Water Quality Control Board  
North Coast Region**

**John W. Corbett, Chairman**



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

**May 9, 2007**

In the Matter of

**Water Quality Certification**

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION – CULVERT  
REHABILITATION PM 0.48-13.5  
WDID NO. 1B06160WNHU**

APPLICANT: California Department of Transportation (CDOT)  
RECEIVING WATER: South Fork Eel River  
HYDROLOGIC UNIT: Benbow Hydrologic Subarea No. 111.32  
COUNTY: Humboldt  
FILE NAME: CDOT – Culvert Rehabilitation PM 0.48-13.5

**BY THE EXECUTIVE OFFICER:**

1. On October 12, 2007, California Department of Transportation (Applicant) filed an application for water quality certification (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 rehabilitation of five culverts located at Post Miles 0.48, 1.78, 8.98, 11.29, and 13.5 along a 13 mile stretch of Highway 101 extending from just north of the Mendocino County line to the community of Redway, Humboldt County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 3, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The project involves rehabilitation of five deteriorated culverts within the CDOT right-of-way, which pose a risk of compromising the roadway and water quality due to erosion. All the culverts except PM 13.5 which is in the Miranda US Geological Survey (USGS) quadrangle are located in the USGS Garberville 7.5 - minute topographical quadrangle. The environmental setting varies from grassland to oak woodland. Each of the five culverts has an individual work plan. The locations of the culverts and description of the proposed work associated with each culvert is as follows:

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- Location 1, PM 0.48 (40.0067/123.7882) – The work involves placement of 121 feet of 32-inch High Density Polyethylene (HDPE) liner inside the existing 128-foot 36-inch corrugated steel pipe (CSP). Approximately 6.5 feet of pipe will be removed at the end of the CSP and 6-7 cubic yards (CY) of rip rap will be placed as a Rock Energy Dissipater (RED) at the culvert outlet.
  - Location 2, PM 1.78 (40.0243/123.7941) – The installation of a 72-foot, 48-inch diameter HDPE liner inside of the existing 80-foot CSP culvert, and to replace the existing corroded outlet and flume with a 21-foot, 47-inch diameter downdrain. The applicant will leave the existing concrete endwall and apron below the outlet as an energy dissipater.
  - Location 3, PM 8.98 (40.0698/123.7899) – Activity at this location involves replacement of the existing Drainage Inlet (DI) with an Open Metal Pipe inlet and a steel cover, removal of the existing 24-inch crossdrain, to be replaced by a 105-foot crossdrain of the same diameter, and placement of 9-10 cy of riprap as a RED.
  - Location 4, PM 11.29 (40.1018/123.7974) – Replacement of the existing 54-inch diameter, 131-foot CSP culvert with a bituminous CSP of similar dimensions and to place riprap on the downdrain area.
  - Location 5, PM 13.5 (40.1308/123.80026) – The activity at this location involves filling the eroded area around the 108-foot, 24-inch diameter culvert and downdrain with Rock Slope Protection (RSP) material and replacement of the corroded downdrain with one of similar size.
3. Compensatory mitigation involves the replacement of any vegetation removed during access and egress with in-kind native plant species. CDOT will comply with Best Management Practices for operation of heavy equipment near a waterway, and for sediment and erosion control. The project is scheduled to occur during the dry season, June 15 to October 15; the applicant anticipates completing the construction activities in 2007.
4. 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 applicant has applied to the United States Army Corps of Engineers for authorization to perform the project under Nationwide Permit (NWP) Number 33 for *Temporary Construction, Access and Dewatering* and NWP Number 3 for *Maintenance*, pursuant to Clean Water Act, section 404. The applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement.

Receiving Water: South Fork Eel River in the Benbow Hydrologic Subarea No. 111.32

Filled or Excavated Area: Area Permanently Impacted: 0.04 acres (1868 sq. ft)

Area Temporary Impacted: None

Latitude/Longitude: Location 1, PM 0.48, 40.0067N/123.7882W  
Location 2, PM 1.78, 40.0243N/123.7941W  
Location 3, PM 8.98, 40.0698N/123.7899W  
Location 4, PM 11.29, 40.1018N/123.7974W  
Location 5, PM 13.5, 40.1308N/123.80026W

Expiration: May 10, 2012

Accordingly, based on its independent review of the record, the regional water board certifies that California Department of Transportation activities (WDID NO. 1B06160WNHU), 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 California Department of Transportation complies with the following terms and conditions:

1. 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.
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 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.
3. This certification is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the applicant.
4. 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 Basin Plan.
5. Caltrans 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.
6. 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.

7. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this certification.
8. Caltrans 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. Caltrans shall be responsible for work conducted by its contractor or subcontractors.
9. 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.
10. 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 Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
11. 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.
12. 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.
13. 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.
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. 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. All 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 conditions included in this Order in the bid contract for this project.
16. The Resident Engineer shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on 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.
17. 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.
18. 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.
19. 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. 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.

20. The authorization of this certification for any dredge and fill activities expires on May 10, 2012. 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 contact Dean Prat of our staff at (707) 576-2801 if you have any questions.

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Catherine E. Kuhlman  
Executive Officer

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Original to: Mr. Roy McCarthy, CDOT, 1656 Union Street, Eureka, CA 95501

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863,  
Eureka, CA 95502

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398

Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act Section  
401 Certification and Wetlands Unit Program