



California Regional Water Quality Control Board North Coast Region



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**Arnold
Schwarzenegger**
Governor

January 30, 2009

In the Matter of
Water Quality Certification

for the

**California Department of Transportation
Highway 222 Russian River Bridge Replacement Project
WDID No. 1B07108WNME**

APPLICANT: California Department of Transportation
RECEIVING WATER: Russian River, Drainage Swales, Riparian Zones
HYDROLOGIC AREA: Russian River Hydrologic Unit No. 114.00
Ukiah Hydrologic Sub-Area No. 114.31
COUNTY: Mendocino
FILE NAME: CDOT - Highway 222 Russian River Bridge Replacement

BY THE EXECUTIVE OFFICER:

1. On July 10, 2007, the California Department of Transportation 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 Highway 222 Russian River Bridge Project. A fee of \$3,093.80 was submitted for the project on July 10, 2007. Additional information for the project was submitted on November 10, 2008, December 03, 2008, January 12 and 20, 2009. An additional project fee of \$1,655.16 was received December 22, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 19, 2008, and posted information describing the project on the Regional Water Board's website.
2. On December 19, 2008, the Regional Water Board received comments from the Russian Riverkeeper, a non-profit environmental organization of Healdsburg, California, regarding the projects proposed off-set for post-construction storm water

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treatment. Regional Water Board staff addressed the comments and sent them to Caltrans for their review. Subsequently, Caltrans and Regional Water Board discussed additional options, and on January 15, 2009 Caltrans proposed designs for post-construction storm water treatment (bio-swales) on-site. The Regional Water Board reissued the public notice and posted the revised project proposal on January 08, 2009. On January 08, 2008, the Russian Riverkeeper submitted complimentary comments to the project changes. No other comments were received.

3. The proposed project is located on Highway 222 at post mile (PM) 0.98, in Mendocino County. The purpose of the proposed project is to replace the existing bridge, which was constructed in 1954 and is degrading due to scour. Bridge retrofits have been determined not to be a viable option; therefore, replacement is warranted. Caltrans proposes replacing the current bridge with a new structure that would consist of two abutments and four piers, one pier less than the existing bridge. The newly proposed bridge will be approximately 10 feet wider to accommodate bicycles and pedestrians, and would result in a net decrease of in-channel structures compared to the existing bridge structure.
4. The project will result in temporary and permanent impacts to waters of the United States (U.S.) and waters of the State of California (State). The scope of work proposed would require the installation of a water diversion and is likely to require dewatering activities. Bridge construction will also include vegetation clearing, excavation, pile driving, drilling, steel and concrete work and the construction of temporary falsework and a construction trestle. The project also includes the demolition of the existing bridge and riparian revegetation activities.
5. Caltrans has determined that temporary impacts to waters of the U.S. (0.24 acres riparian wetland and 0.62 acres Russian River channel and drainage swales) would total 0.86 acres. Also, access to the river would require removal of riparian vegetation along the stream banks, resulting in an additional 0.19 acre of temporary impacts to waters of the State. Additionally, the new piers will permanently impact approximately 0.002 acres of stream channel; however, the permanent impacts will be off-set by removal of the existing bridge piers. Caltrans will utilize management practices (BMPs) to provide erosion control and pollution prevention throughout the project area during construction and demolition.
6. Caltrans will mitigate project impacts by replanting 0.43 acres of riparian vegetation on-site subsequent to completion of the newly proposed bridge. In addition, Caltrans will fund the replanting of 0.86 acres of riparian vegetation off-site by working cooperatively with the Mendocino County Resource Conservation District (MCRCD) on a restoration project at Ackerman Creek, which is located within the Ukiah Hydrologic Sub-Area No. 114.31.
7. The project will result in a net increase of impervious surface area of approximately 0.1 acres. On-site storm water and hydromodification treatment controls will

primarily include the use of energy dissipaters in the form of rock slope protection (RSP) and two bioswales located adjacent to the northeast and northwest bridge abutments. The RSP is provided to reduce sediment transport and erosion control and the bio-swales are designed to improve water quality by treating storm water runoff from approximately 0.48 acres of impervious surface.

8. Non-compensatory mitigation measures have been incorporated into the project to reduce potential impacts to water quality, including erosion and sediment control 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 (CCSBMPM). All graded areas within the project affected by the construction activities will be appropriately stabilized and/or replanted with appropriate native vegetation.
9. Caltrans has applied for authorization from the United States Army Corps of Engineers to perform the project under their Nationwide Permits No. 25 (structural discharges) and No. 33 (Temporary Construction, Access and Dewatering) pursuant to Clean Water Act, section 404. Caltrans has also applied for a California Department of Fish and Game (CDFG) Streambed Alteration Agreement and a Biological Opinion from the National Marine Fisheries Service. On June 9, 2006, Caltrans certified an Initial Study / Mitigated Negative Declaration (State Clearing House No.2006062038) for the project in order to comply with the California Environmental Quality Act. The Regional Water Board has considered the environmental document in the issuance of this Order.
10. The majority of proposed project activities are scheduled to begin in the spring of 2010. The entire project is expected to take two years to complete, however, the proposed in-channel work will only be conducted between May 1st and October 31st, during the dry-weather season.

Receiving Water: Russian River, Adjacent Drainage Swales and Riparian Zones

Filled or Excavated Area: Permanent Impacts: 0.002 acres of stream channel (removal of existing piers will result in a net loss of fill)
Temporary Impacts: 1.05 acres (0.24 acres U.S riparian wetland, 0.62 acres Russian River channel and drainage swales, 0.19 acre of State riparian zones)

Latitude/Longitude: 39.1344 N / 123.1865 W

Expiration: January 30, 2014

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 222

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RUSSIAN RIVER BRIDGE REPLACEMENT PROJECT (FACILITY NO. 1B07108WNME), 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 Caltrans 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. 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.
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 in the implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
7. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
8. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this Order.
9. Caltrans shall provide a copy of this Order 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.

10. If, at any time, there is an unauthorized discharge to surface water (including wetlands, rivers or streams), 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.
11. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, welding slag, 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.
12. 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.
13. Work in flowing or standing surface waters, unless otherwise proposed in the application and approved by the Regional Water Board, is prohibited. If construction dewatering is found to be necessary, the Applicant shall use a disposal method 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, prior to the discharge.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of U.S. and the State with the exception of cranes and stationary equipment which shall only be refueled using a company certified by the CDFG. Proper certification and documentation of fueling (field logs) shall be provided to the Regional Water Board upon request. 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 U.S. At no time shall Caltrans or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
15. All materials used for cleaning concrete from tools and equipment, and any wastes generated by this activity, shall be adequately contained to prevent contact with soil and surface water and shall be disposed of properly within a clearly designated area at least 100 feet beyond waters of the U.S. and/or the State.
16. 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 shall be implemented in accordance with the CCSBMPM and all contractors and subcontractors shall comply with the CCSBMPM.

17. 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.
18. 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 every other week, 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. A copy of the project Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the attention of Regional Water Board at least 30 days prior to the start of any project activity. Construction activities are authorized only if they are adequately addressed in the current SWPPP.
20. Monthly monitoring reports shall be submitted to the appropriate Regional Water Board staff person. The monthly monitoring reports shall include at a minimum a summary of discharges, a summary of corrective actions taken (if necessary), pictures, all field sampling measurements and/or results, project status (i.e. upcoming construction schedule and disturbed soil area updates), biological monitoring reports, changes to the SWPPP. Monthly monitoring reports are due to the Regional Water Board by the 15th of each month once work on the project has been initiated.
21. Caltrans shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after the first rainfall event that generates visible runoff from these areas in order to demonstrate that erosion control measures have been successful. A report containing these photos shall be submitted within 60 days of the first rainfall event that generates runoff from the disturbed areas. Reports shall be provided for each year of construction and a final report shall be provided for the season subsequent to the completion of the project.
22. On-site mitigation shall include the replanting and revegetation of 0.43 acres of temporally impacted waters of the U.S. and State. Additional mitigation shall be achieved by cooperating with the MCRCD on the Ackerman Creek restoration project. The off-site mitigation project shall result in the restoration and

enhancement of at least 0.86 acres of riparian habitat. Caltrans shall provide compensatory mitigation in accordance with the Caltrans-prepared *Detailed Mitigation and Monitoring Plan: Update to the July 2007 Mitigation and Monitoring Plan*, dated November 2008.

23. Caltrans shall provide post-construction storm water treatment on-site in accordance with the plans submitted to the Regional Water Board on January 20, 2009. The on-site bio-swales shall be constructed to provide storm water treatment to the maximum extent practicable (MEP) and shall be maintained to allow proper function in accordance with the Caltrans Statewide Storm Water Management Plan (May 2003) Section 5.5.1. The bio-swales shall be properly vegetated and kept free of debris and other potential pollutants that may degrade water quality. Bio-swales shall be monitored for an initial five years subsequent to construction and Caltrans shall provide reports to the Regional Water Board documenting appropriate vegetation and function.
24. Subsequent to implementation of restoration, monitoring reports documenting all mitigation activities including post-construction storm water treatment shall be submitted to the Regional Water Board annually for a minimum of five years. Reports shall include, at a minimum, the following information: name and title of personnel conducting monitoring and/or maintenance; observation dates; vegetation summaries; site photographs; and success evaluation.
25. Visual observations of the Russian River shall be conducted whenever a project activity has the potential to mobilize sediment and increase the turbidity and/or pH of the river. In order to demonstrate compliance with receiving water limitations, field turbidity and/or pH measurements shall be collected whenever a project activity may cause turbidity and/or pH to be increased above background concentrations.
26. Whenever turbidity and/or pH in the Russian River is increased above background as a result of project activities, turbidity and/or pH measurements shall be collected upstream (within 50 feet) of project activities (background) and downstream (within 100 feet) of the source. The frequency of turbidity and/or pH monitoring shall be a minimum of every hour during periods of increased turbidity and/or pH and shall continue until measurements demonstrate compliance with receiving water limitations and turbidity and pH levels are no longer increasing as a result of project activities. If turbidity levels are greater than 20 percent above background, or pH levels are beyond the water quality objective (6.5 – 8.5) 100 feet downstream of the source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s) of sediment or increased pH. In addition, the overall distance from the source(s) of turbidity or pH to the downstream extent of the increased turbidity or pH (20 percent above background / 6.5 - 8.5) shall be measured.
27. Turbidity and pH monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within one hour of taking any turbidity measurement higher than 20 percent above background or pH measurements outside of 6.5 – 8.5

at a point 100 feet or more downstream of the source(s). Pictures of the Russian River upstream, downstream and within the working and/or disturbed area shall be taken and submitted to the appropriate Regional Water Board staff via e-mail or fax within 24 hours of the incident.

28. Calibration logs for all field monitoring equipment shall be maintained and be available to the Regional Water Board on request.
29. When construction operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 100 feet of waters of the U.S. and/or the State.
30. In the event of any violation or threatened violation of the conditions of this Order, 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 Order. In response to a suspected violation of any condition of this Order, the State Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
31. The Regional Water Board may add to or modify the conditions of this Order, 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.
32. 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.

33. The authorization of this Order for any dredge and fill activity expires on January 30, 2014. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
34. Please contact Jeremiah Puget of our staff at (707) 576-2835 or at JPuget@waterboards.ca.gov if you have any questions and/or comments.

Catherine Kuhlman
Executive Officer

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Weblink: 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 can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

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