



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**

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

November 24, 2009

---

In the Matter of

**Water Quality Certification**

**For the**

**Bodega Bay Public Utility District  
North and South Bodega Harbour High Pressure Zones 8-Inch Intertie Project  
WDID No. 1B09112WNSO**

APPLICANT: Mr. Rod Huls, Bodega Bay Public Utility District  
RECEIVING WATER: Cheney Gulch  
HYDROLOGIC UNIT: Bodega Harbour Hydrologic Sub Area No. 115.21, Bodega  
Hydrologic Unit 115.00  
COUNTY: Sonoma  
FILE NAME: Bodega Bay Public Utility District, Bodega Harbour High  
Pressure Zones Intertie  
WDID No. 1B09112WNSO

---

BY THE EXECUTIVE OFFICER:

1. On September 17, 2009, Mr. Justin Witt of Brelje & Race Engineers, on behalf of the Bodega Bay Public Utility District (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 related to the Bodega Bay Public Utility District, Bodega Harbour High Pressure Zones Intertie Project (Project). The Project will cause temporary impacts to approximately 0.11 acres of waters of the State associated with stream bed and bank of Cheney Gulch in the Bodega Harbour Hydrologic Sub Area No. 115.21, Bodega Hydrologic Unit 115.00. Fee payment of \$1,041 was completed on September 17, 2009. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 22, 2009, and posted information describing the Project on the Regional Water Board's website. We did not receive any public comments on this project.

**California Environmental Protection Agency**

Recycled Paper

2. The purpose of the Project is the construction, within the Bodega Bay public water system, of an interconnection between two independent water service pressure zones for the Bodega Bay community. The independent water pressure zones are identified as Bodega Harbour North high zone and Bodega Harbour South high zone. Each zone is now served by a booster pump station that pumps water from a lower pressure zone to the higher pressure zones. Each zone also is served by a water storage tank placed at approximately the same elevation. Project components would include construction of approximately 2,300 feet of 8-inch diameter water main, installing of valves and accomplishing four connections to existing water mains. A portion of the project would be constructed within existing streets and the balance would be through undeveloped land. Crossing of Cheney Gulch is required. The Project is located in the town of Bodega Bay, at Cheney Gulch, north of highway 1 at intersection of Highway 1 and South Harbour Way, latitude 38.318099°N and longitude 123.028201° W, Sonoma County.
3. The Project is designed to impact waters of the State to the least extent practicable. It is anticipated that jack and bore/directional drilling techniques will be used to bore beneath Cheney Gulch. In the event that trenchless construction techniques are not possible, disturbed areas of waters of the State within the project area will be fully restored. Work is proposed during the dry season, July-October 2010.
4. Compensatory mitigation will consist of riparian habitat improvements to compensate for any lost riparian plants or impact to waters of the State. All plantings shall be managed for a minimum of 5 consecutive years immediately following planting. Planted vegetation shall have at least an 85% survival rate of thriving planted species at the end of five years. Annual reports shall be submitted to the Regional Water Board for five years, and shall include photos of the revegetated areas, and include survival rates and a narrative summary of the status of the revegetation/mitigation effort.
5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. Ground disturbance will be limited to the minimum necessary and all disturbed ground will be treated with hydro-mulching, seeding or other erosion control measures. Silt fences, silt curtains and straw bales will be used to avoid delivery of sediment into sensitive areas during construction. All operations, including harvesting of local willow poles, will be done with respect to all wildlife and to cause the minimum of disruption necessary. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor/Applicant. Additionally, all required Best Management Practices (BMPs) shall be on-site and ready for timely deployment before the start of construction activities.

6. The Applicant has applied for an United States Army Corps of Engineers Section 404 Nationwide Permit(s), File Number 2009-00234.
7. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement.
8. The Bodega Bay Public Utility District, as lead California Environmental Quality Act (CEQA) agency, submitted a Mitigated Negative Declaration to the State Clearinghouse (SCH No. 2009062053) on August 19, 2003, pursuant to CEQA guidelines.

Receiving Water: Cheney Gulch in the Bodega Harbour Hydrologic Sub Area No. 115.21, Bodega Hydrologic Unit 115.00

Filled or Excavated Area: Area temporarily and permanently impacted: 0.11 acres of creek bed and bank

Latitude/Longitude: 38.318099°N / 123.028201° W

Expiration: November 24, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Bodega Bay Public Utility District North and South Bodega Harbour High Pressure Zones 8-Inch Intertie Project (WDID No. 1B09112WNSO, 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 Applicant 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 title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. 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 Order (Enclosed).

5. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
6. 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.
7. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground- clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
13. 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.

14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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 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 Regional 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 Regional 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 Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. 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, and the 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.

18. 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 Water Quality Control Plan for the North Coast Region (Basin Plan).
19. The authorization of this certification for any dredge and fill activities expires on November 24, 2014. 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.

If you have any questions or comments, please call Stephen Bargsten of our office at (707) 576-2653.

Sincerely,

---

Catherine Kuhlman  
Executive Officer

091124\_SKB\_BodegaBayPUD\_Intertie\_401.doc

Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original to: Mr. Rod Huls, Bodega Bay PUD, P.O. Box 70, Bodega Bay, CA  
94923

Copies sent to: Mr. Justin Witt, Brelje & Race, 5570 Skylane Blvd., Santa Rosa, CA  
95403  
Mr. Bill Orme, SWRCB, 401 Program Manager, SWRCB  
Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel  
Ms. Laurie Monarres, U.S. ACOE, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398