



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



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

November 25, 2009

In the Matter of
Water Quality Certification

For the

**City of Willits, Wastewater Treatment Facility Enhancement Wetlands
WDID No. 1B05149WNME**

APPLICANT: City of Willits
RECEIVING WATER: Outlet Creek
HYDROLOGIC UNIT: Outlet Creek Subarea No. 11.61,
Upper Main Eel River Hydrologic Area 111.60
COUNTY: Mendocino
FILE NAME: City of Willits, Wastewater Enhancement Wetland, 300 N.
Lenore Street, Willits, California, WDID No. 1B05149WNME

BY THE EXECUTIVE OFFICER:

1. On November 25, 2005, the City of Willits (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 construction of a wastewater treatment wetland at the Willits wastewater treatment facility (WWTF) and a new discharge outfall structure into Outlet Creek (Project). The applicant submitted a revised application on June 13, 2008 and an addendum on May 7, 2009. The Project will cause permanent impact to approximately 16.03 acres, and temporary impact to 14.3 acres of waters of the State associated with Outlet Creek and seasonal wetlands within Outlet Creek Subarea No. 11.61, Upper Main Eel River Hydrologic Area 111.60. Fee payment totaling \$40,000 was completed on October 24, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 26, 2009, and posted information describing the project on the Regional Water Board's website. There were no public comments received on this project.
2. The purpose of the Project is the upgrade of the Willits WWTF to improve effluent quality and regulate surface water discharge quantities to comply with requirements to protect the beneficial uses of Outlet Creek. An existing seasonal

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wetlands will be replaced with a permanent wetland for the purpose of wastewater treatment. This permit authorizes the permanent conversion of these wetlands (designated as waters of the state and waters of the US) into part of the wastewater treatment plant. Although the treatment wetland will no longer be jurisdictional waters, this permit will grant mitigation credit for side benefits achieved by retaining this area as wastewater wetlands. In addition, a new outfall location will be installed at the end of the wetland treatment process to allow discharge into Outlet Creek between October 1 and May 15 each year.

3. Specific elements of the Project include:
 - o Construction of wastewater treatment wetlands.
 - o Construction of a new outfall structure.
 - o Construction of two new pipeline creek undercrossings.
 - o Construction of permanent or temporary crossing for heavy equipment.
 - o Restoration of Outlet Creek within limits of Project disturbance.
4. Compensatory mitigation will precede project impacts in a manner which will reduce temporal wetland losses to the maximum extent feasible. Compensatory mitigation consists of construction of approximately 24 acres of newly created wetlands on parcels adjacent to the Project, revegetation of impacted area with species native to the area, per the *Compensatory Mitigation and Monitoring Plan*, by SHN Consulting Engineers and Geologist, June 2008 (CMMP) as well as the Biological Assessment and Amendment #1 to the CMMP, May 2009. For each native tree removed as part of the project, a minimum of three new trees (of same or endemic species) will be planted. The riparian understory will be seeded to establish groundcover on exposed soils with native species of herbaceous grass mixture. The revegetation/restoration area should result in an area larger than impact and of better quality (more diverse vegetation and habitat). In addition, the wastewater wetland will achieve some aesthetic and habitat value and some mitigation credit is granted for this feature. Planted vegetation will be monitored for at least five years, with yearly reports submitted to the Regional Water Board. Plants shall be irrigated with either potable or recycled water as necessary only for initial survival and establishment. Long-term (over 5 years from the date of this Order) irrigation with recycled water is prohibited. Irrigation for vegetation establishment shall be conducted in a manner which prevents any discharge to Outlet Creek. Invasive plant species such as vinca and Himalayan blackberry will be removed. Additional mitigation measures shall also include exclusion of cattle from near creek locations except for the express purpose of managing invasive vegetative species.
5. The new outfall structure will consist of a 24 inch discharge pipe near top of bank located in Outlet Creek approximately 2,700 feet downstream of the existing point of discharge. The outlet area will be rip-rapped for energy dissipation. Rip-rap will be keyed in to the bottom of the channel, continue up slope to mid-bank elevation, and extend upstream and downstream approximately 100 feet from the outfall location. Two pipeline creek undercrossings will be constructed using an open trench across the width of the channel in Outlet Creek. Crossing no. 1 will be a 24

inch pipe installed near the exiting bridge crossing and will convey secondary treated wastewater to the enhancement wetland via gravity. Crossing no. 2 will be a 12 inch pipe used to convey treated wastewater for irrigation from the enhancement wetland to pastureland west of outlet creek.

6. Permanent or temporary crossing for heavy equipment will be installed to provide access to the east side of Outlet Creek in order to facilitate construction of the enhancement wetlands and the new outfall structure. If installed, a permanent crossing will be located adjacent to the existing bridge and designed to clear span the Outlet Creek with minimal constriction of flows due to abutment construction. If utilized, a temporary crossing will be designed to minimize turbidity and geomorphic impacts from bridge construction, use, and removal. A temporary crossing may only be placed after June 15. The crossing and associated fill will be removed once excavation ceases, but in any case, no later than October 15 each year. Native gravel will be used for bridge approaches and abutments. Main channels will be spanned to the maximum length practicable using either a flatcar or bridge span. Heavy equipment passes will be limited to two passes during bridge construction and two passes during removal. A wet crossing is defined as one round trip for one piece of heavy equipment.
7. All aspects of the Project will comply with California Department of Fish and Game and National Marine Fisheries Service fish passage guidelines.
8. The Applicant has applied to the United States Army Corps of Engineers, file number 251770, to perform the Project pursuant to Clean Water Act, section 404.
9. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game has been obtained, Notification No. R1-09-0128.
10. The City of Willits, as lead California Environmental Quality Act (CEQA) agency, has prepared and filed an Environmental Impact Report (EIR) with the Office of Planning and Research, (State Clearinghouse No. 2001032016, April 23, 2003), pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Outlet Creek Subarea No. 11.61,
Upper Main Eel River Hydrologic Area 111.60

Filled or Excavated Area: Area Permanently Impacted:
0.028 acres of creek bed and bank; and
16.0 acres of seasonal wetland

Area Temporarily Impacted:
14.3 acres of seasonal wetland

Latitude/Longitude: 39.42233 °N / 123.34157 °W

Expiration: November 25, 2012

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Ukiah, City of Willits, Wastewater Treatment Facility Enhancement Wetlands Project (WDID No. 1B05149WNME), 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. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during installation and removal activities, and to answer any public inquiries that may arise regarding the project.
5. 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 Project 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.
6. 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. 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.
8. 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.

9. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
10. The Eel River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have been completed for the Eel River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. At present, there are no watershed-specific implementation plans for this TMDL. If a TMDL implementation plan is adopted prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans
11. 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.
12. 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.
13. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. The Applicant shall submit a report detailing the project after it is installed. The Applicant or future property owner shall establish and maintain the mitigation area in accordance with the success criteria described in this Order and the completed application. Evaluation of the success criteria shall be reported annually for the first five years from the date of this Order and once every five years thereafter. Continued maintenance of these facilities shall be the responsibility of the property owner.
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 October 15, 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.

If you have any questions or comments please contact Lisa Bernard of our office at (707) 576-2677 or lbernard@waterboards.ca.gov.

Sincerely,

Catherine Kuhlman
Executive Officer

California Environmental Protection Agency

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