



**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

July 8, 2010

In the Matter of

Water Quality Certification

for the

**REDWAY COMMUNITY SERVICES DISTRICT – WATER SYSTEM IMPROVEMENTS
PROJECT
WDID No. 1B10045WNHU**

APPLICANT:	Redway Community Services District
RECEIVING WATER:	Unnamed Tributary to South Fork Eel River
HYDROLOGIC UNIT:	Benbow Hydrologic Subarea No. 111.32
COUNTY:	Humboldt
FILE NAME:	Redway Community Services District – Water System Improvements Project

BY THE EXECUTIVE OFFICER:

1. On April 26, 2010, the Redway Community Services 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 associated with installation of a culvert on an ephemeral stream channel that crosses through the Applicant's Rusk Avenue water storage site. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 14, 2010, 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 Applicant supplies water to the community of Redway and their existing water treatment and storage system facilities are in need of improvement. The project includes replacement of several components of the water treatment plant that have reached the end of the useful life and require the installation of a new water storage tank. Factors that are driving the need for the project include: an outdated storage tank that does not meet current seismic requirements; insufficient water storage capacity; and abandonment of a spring-fed well, which previously supplied a majority

of the community's water, has placed a greater importance on increased water storage capacity.

3. To recover the capacity that was lost when the spring water source was abandoned, the Applicant is proposing improvements to increase the capacity and improve performance of the existing surface water treatment plant. All of the water treatment plant improvements are located within the existing fenced treatment plant yard located on Barnes Lane in Redway. In addition, a new 52-foot diameter water storage tank with a 460,000 gallon capacity will be installed at the Applicant's existing Rusk Avenue water storage tank yard.
4. Approximately 20 cubic yards of the hillside will be excavated in order for the tank site to accommodate the new storage tank. A retaining wall will be installed between the new tank and excavated hillside to stabilize the slope. Soil will be excavated from beneath the new tank pad site for placement of subgrade and engineered fill, and for installation of a structural concrete foundation with grade beams supported on a series of drilled concrete piers. Storm water runoff from the tank site will be routed to a new 63-foot long and 18-inch diameter culvert that will be installed in a portion of an existing ephemeral drainage channel that crosses through the tank yard site.
5. The ephemeral drainage channel enters the site from the northeast through a steep, eroded channel, and continues west along the southeast edge of the site before entering an existing 18-inch diameter culvert that passes under the driveway to the tank yard. A section of the existing channel will be filled where the new storage tank will be placed and a new culvert will route flows around the storage tank pad and back to the existing channel approximately 15 feet upstream of the inlet to the existing culvert. Installation of the new culvert will result in permanent impacts to 126 square feet (0.003 acre) and 63 linear feet of ephemeral drainage channel. Compensatory mitigation consists of stream channel enhancement along the ephemeral channel upstream of the new culvert. Stream channel enhancement activities include removal of non-native blackberry shrubs along a 25 linear foot stretch of the channel and replanting a 625 square foot (0.014 acre) area along the channel with native riparian species.
6. The Applicant has received authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 18 (File No. 2009-00293N), pursuant to Clean Water Act, section 404. The Applicant has also applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement.
7. On April 22, 2010, the Redway Community Services District approved a Mitigated Negative Declaration (SCH No. 2010022047) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

8. The South Fork Eel River Total Maximum Daily Loads (TMDL) for sediment and temperature was established in 1999 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the South Fork Eel River are exceeded due to excessive sediment and temperature. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the South Fork Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control and mitigation consisting of stream enhancement along a 25 linear foot stretch of the ephemeral channel upstream of the proposed culvert that will include removal of non-native blackberry shrubs and replanting approximately 625 square feet (0.014 acre) along the channel with native riparian species. Accordingly, this Order is consistent with, and implements portions of the South Fork Eel River TMDL.
9. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
10. 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 water quality certification.

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

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 126 square feet of ephemeral drainage channel

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: 63 linear feet of ephemeral drainage channel

California Environmental Protection Agency

Dredge Volume: None

Latitude/Longitude: 40.121436 N/123.821535 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Redway Community Services District – Water System Improvements Project (WDID No. 1B10045WNHU), 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 California Code of Regulations, title 23, 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 California Code of Regulations, title 23, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified 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 construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, 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.
6. BMPs sediment and turbidity control shall be implemented and in place at commencement of, during and after any project activities that could result in sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

8. 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.
9. 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.
10. The Applicant shall implement the mitigation, monitoring, and reporting measures described in the June 6, 2010 Proposed Compensatory Mitigation for the Redway Community Services District Water System Improvements Project (mitigation plan) prepared by North State Resources. The Applicant shall monitor the mitigation site at least annually for a minimum of three years following completion of the mitigation activities. Monitoring reports shall be submitted annually for a minimum of three years. The first annual monitoring report shall be submitted to the Regional Water Board by October 1st of the first year following completion of the project. A final monitoring report shall be submitted at the end of the three year monitoring period. If final performance monitoring indicates that the project activities have not met the success criteria specified in the mitigation plan, the Applicant shall submit a revised or supplemental mitigation plan to address those portions of the compensatory mitigation that do not meet the success criteria.
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. 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.
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. 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.

16. 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.

17. 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).
18. The authorization of this certification for any dredge and fill activities expires on July 8, 2015. 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 Dean Prat at (707) 576-2801.

Catherine Kuhlman
Executive Officer

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