



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



Linda S. Adams
Secretary for
Environmental Protection

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

July 27, 2010

In the Matter of

Water Quality Certification

for the

**CITY OF EUREKA – MARTIN SLOUGH INTERCEPTOR PIPELINE PROJECT,
PHASE 1
WDID No. 1B09001WNHU**

APPLICANT:	City of Eureka
RECEIVING WATER:	wetlands, Martin Slough, and unnamed tributaries to Martin Slough
HYDROLOGIC UNIT:	Eureka Plain Hydrologic Unit No. 110.00
COUNTY:	Humboldt
FILE NAME:	Eureka, City of – Martin Slough Interceptor Project, Phase 1

BY THE EXECUTIVE OFFICER:

1. On January 2, 2009, the City of Eureka (City/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 new pipeline to improve the City’s sanitary sewer collection system. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 26, 2009, and posted information describing the project on the Regional Water Board’s website. We received comments during the public comment period. We did not receive comments from any person opposed to implementation of the project or any requests for denial of water quality certification.
2. Sanitary sewer overflows (SSOs) have occurred at the City’s O Street lift station due to excessive inflow and infiltration into the sewer collection system during significant wet weather events. The City has been under pressure from the Regional Water Board to eliminate the SSO problems and the Applicant has been fined for past SSOs. The project involves construction of an interceptor pipeline that will transport excess wastewater from the O Street lift station to the Golf Course lift station. The pipeline will be constructed as Phase 1 of the Martin Slough Interceptor Project

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(project), a larger project that has been determined to be the best solution for eliminating potential SSOs for the entire Martin Slough basin. The City is in the process of preparing designs for Phase 2 that will include a new pump station and a new force main extending from the new pump station to the City's wastewater treatment plant (WWTP).

3. Phase 1 is designed to facilitate completion of future phases of the project but it is being implemented as an independent project in order to expedite elimination of the existing SSO problems at the O Street Lift Station. Completion of Phase 1 will provide capacity within the new pipeline for temporary containment of excess wastewater from the O Street lift station. Wastewater contained within the new pipeline will be pumped into the Golf Course lift station for conveyance to the WWTP. Completion of Phase 2 will allow for wastewater in the new interceptor pipeline to be transported directly into a new pump station and then to the WWTP through a new force main. The existing Golf Course lift station will not be needed once Phase 2 is completed.
4. The Phase 1 interceptor pipeline is approximately 7,800 feet long with pipe diameters that will range from 18 inches in the upper reach to 42 inches in the lower reach. The interceptor pipeline design allows for the use of several pipe materials including polyvinyl chloride (PVC), high density polyethylene, fiber reinforced plastic, or reinforced concrete pipe.
5. A 600-foot long collector pipeline will also be installed during Phase 1. The new collector pipeline will join the collector pipeline approximately 800 feet below Campton Road and will extend 600 feet in a west/northwest direction. The new collector pipeline will not be a functional component of Phase 1 but it is being installed during Phase 1 in order to minimize disturbance to adjacent property owners. The new collector pipeline will be constructed with 8-inch diameter PVC pipe.
6. The pipelines will mostly be constructed by placing the pipe in an excavated trench. Trench widths will range from 3.5 feet to 12 feet depending on the size of the pipe and soil conditions. Trench depths will range from 7 to 24 feet below the ground surface depending on the required pipe elevations and existing topography. At both Fairway Drive locations and the Campton Road crossing the pipeline will be installed by guided auger boring rather than trenching. Trench excavation activities, pipe staging areas, and excavated material stockpiling areas will be conducted within four designated staging areas (Eureka Municipal Golf Course, Barnum Property, Sutton Property, and North of Campton Road) and a 60-foot wide construction corridor that includes a 30-foot wide permanent easement and 15-foot wide temporary construction easements on both sides of the permanent easement.
7. Trench excavation activities will begin with the separate stockpiling of the upper 6 to 12 inches of topsoil material followed by excavation to the required depth. Stockpiled topsoil will be used to restore the surface of the trench corridor after the

pipeline has been installed. At locations where the material in the bottom of the trench is not suitable for pipeline stability, the unsuitable material will be removed and replaced with appropriate stabilization materials that will consist of cement slurry or a variety of potential rock materials. The pipeline will be placed on 6 to 12 inches of rock bedding that will be placed on the trench bottom or the trench stabilization materials. Additional rock backfill will then be placed around and over the pipe to a thickness of approximately 12 inches above the top of the pipe. The pipeline and trench backfill will be installed in a manner that is designed to prevent movement of groundwater along the pipeline corridor. Transverse baffles will be installed in areas of the trench that have the potential to act as a preferential groundwater flow pathway in order to prevent groundwater drainage through the backfill material.

8. The pipeline and associated excavation activities will cross four stream channels including Martin Slough and unnamed tributaries. At each crossing the top 6 to 12 inches of excavated material will be stockpiled separately and kept moist to preserve the root masses, rhizomes, seeds, and accumulated organic material. After the pipeline has been installed across the stream channel, native material will be replaced in the trench, the original streambed and streambank contours will be restored, appropriately sized washed gravel will be placed over the disturbed streambed area, and the stream will be revegetated using native riparian and wetland plants.
9. The pipeline alignment is located primarily in wetlands that are adjacent to Martin Slough. Temporary access roads and pipeline construction activities will result in 9.76 acres of temporary impacts to existing wetlands. Mitigation for temporary wetland impacts involves replacement of the upper 6 to 12 inches of topsoil and restoration of the wetland surface and existing vegetation. Permanent access roads will also be installed to facilitate maintenance and repair of the new pipeline, and 17 new manholes will be installed along the pipeline. The permanent access roads and new manholes, including a new 6-foot diameter culvert at crossing "D", will result in permanent impacts to 0.38 acre of wetlands. Impacted wetlands include forested riparian wetlands but primarily consist of grassland wetlands within grazed pastures and the Eureka Municipal Golf Course.
10. An existing 20-foot long and 2-foot diameter non-fish friendly culvert located under an existing access road that crosses an unnamed tributary to Martin Slough will be removed and the channel will be restored. The existing culvert will be replaced a short distance upstream with a new 35-foot long and 4-foot diameter fish-friendly culvert. The new culvert will be partially buried beneath the streambed and the bottom will be filled with clean gravel to match the streambed elevation.
11. Compensatory mitigation is required for the permanent wetland impacts from this project. The City currently has 2 acres of wetland mitigation credit available at the Fay Slough Wildlife Area (FSWA) wetland mitigation bank. The City will use 0.38 acres of wetland credit in the FSWA wetland mitigation bank for this project. The rationale for approving a one-to-one mitigation ratio for wetland acreage is based on:

the presence of higher quality wetlands at the FSWA wetland mitigation bank compared to the impacted wetlands (primarily grassland wetlands within the Eureka Municipal Golf Course and grazed pastures); the mitigation bank was established by 1997, providing approximately 13-years of advanced mitigation; and, additional onsite habitat enhancement project will be implemented within 5-years of project completion that will include planting a 15 to 20-foot wide and 280-linear foot riparian corridor along both sides of the Martin Slough channel and installation of instream wood structures for fish habitat. Compensatory mitigation will also include removal of an existing 20-foot long and 2-foot diameter non-fish friendly culvert and restoration of the bed and banks to natural conditions.

12. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment in wetlands and stream channels.
13. Implementation of Phase 1 is scheduled to begin in 2011. Stream crossing activities will be implemented between June 15 and October 15 in order to avoid potential impacts to aquatic life.
14. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 12 (File No. 2002-27200), pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
15. The City of Eureka prepared an Environmental Impact Report (SCH No. 2002082043) 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.
16. The Elk River watershed is listed on the State of California's Clean Water Act Section 303(d) list as impaired for sediment because the State of California determined that the water quality standards for the Elk River are exceeded due to excessive sediment. At present, there are no watershed-specific Total Daily Maximum Load implementation plans for this watershed. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load (TMDL) Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste." Actions authorized by this Order require implementation of BMPs for sediment and erosion control, and riparian habitat enhancement along a 280 liner foot stretch of Martin Slough.

17. 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.

18. 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: wetlands, Martin Slough, and unnamed tributaries to Martin Slough in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 9.76 acres of wetlands and 1,925 square feet of stream channel
Area Permanently Impacted: 0.38 acres of wetlands and 280 square feet and 35 linear feet of stream channel

Total Linear Impacts: Length Temporarily Impacted: 100 linear feet of stream channel
Length Permanently Impacted: 50 linear feet of ephemeral drainage channel

Restored Stream Channel: 40 square feet and 20 linear feet of an unnamed tributary to Martin Slough will be restored by removing an existing non-fish friendly culvert that is situated above the channel bottom

Dredge Volume: None

Latitude/Longitude: SW End of Pipeline Route: 40.76018 N/124.17287 W
NE End of Pipeline Route: 40.77478 N/124.15416 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Eureka, Martin Slough Interceptor Project, Phase 1 (WDID No. 1B09001WNHU), 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 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.
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. Within 180 days of the date of this water quality certification, the Applicant shall submit a revised account summary for the FSWA wetland mitigation bank, reviewed

and approved by the California Department of Fish and Game, that reflects the appropriate debit amount (0.38 acre) for the compensatory mitigation for this project and the remaining wetland credits in the FSWA wetland mitigation bank. The revised account summary shall also include an updated map of the FSWA wetland mitigation bank showing the amount and type(s) of wetland credits that have been debited to date and the remaining wetland credits that are available for the Applicant's future use.

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 27, 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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Original to: Ms. Lisa Shikany, City of Eureka, 531 K Street, Eureka, CA 95501

Electronic

Copy to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box
14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398