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

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Edmund G. Brown Jr.,
Governor

April 7, 2011

In the Matter of
Water Quality Certification

for the

**SISKIYOU COUNTY DPW – KLAMATH RIVER ROAD BRIDGE REPLACEMENT AT
HIGHWAY 96 AND ASH CREEK
WDID No. 1A11002WNSI**

APPLICANT: Siskiyou County Department of Public Works
RECEIVING WATER: Klamath River
HYDROLOGIC AREA: Beaver Creek Hydrologic Subarea No. 105.35
COUNTY: Siskiyou
FILE NAME: Siskiyou Co. DPW – Klamath River Road Bridge
Replacement at Hwy 96 and Ash Creek

BY THE EXECUTIVE OFFICER:

1. On January 4, 2011, the Siskiyou County Department of Public Works (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 removal and replacement of the Klamath River Road Bridge over the Klamath River at Highway 96 and Ash Creek. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 9, 2011, 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 project involves construction of a new bridge on a new alignment over the Klamath River approximately 60 feet downstream of the existing bridge. The existing bridge is a single lane steel truss bridge that was constructed in 1901.

Maintenance reports indicate that the existing bridge is structurally deficient and does not have sufficient load carrying capacity for emergency vehicles.

3. The new bridge will consist of a 2-lane, 170-foot long and 26-foot wide, single-span steel truss structure with a poured concrete deck. There will be no center pier in the river channel. The northern abutment will be installed adjacent to Highway 96 and will consist of a formed concrete abutment placed on native bedrock. The northern abutment will be located on the river bank above the ordinary high water elevation. A 35.5 foot-long reinforced concrete approach span will be installed between Highway 96 and the north abutment. The south abutment will include piles driven into native soil. Fill material will be used within the southern bridge approach area to conform to the appropriate grade.
4. The existing bridge will remain open to traffic until the new bridge is completed. The existing bridge, abutments, and approaches will be disassembled, demolished and removed once the new bridge is opened to traffic. The existing bridge does not have any mid span piers. Bridge removal activities will not result in any impacts to waters of the United States.
5. The pre-constructed steel trusses will be delivered to the project in approximately three sections. Truss sections will be connected onsite. A crane will be used to pick up two connected sections and place them across the river. A temporary falsework pier will be installed above the ordinary high water elevation on the south bank of the river to support one end of the two-section truss while the third section is connected. The temporary falsework pier will not require excavation or pile driving, and will only be in place until the third truss section is installed between the falsework pier and south abutment.
6. Rock riprap will be installed around the bridge abutments to prevent scour and erosion during high flows in the river. Rock riprap placed around the north abutment will extend slightly below the ordinary high water elevation and will result in 17 linear feet and 100 square feet of permanent impact to waters of the United States. The bridge structure will not result in any permanent impacts to waters of the United States.
7. Riparian vegetation is sparse in the abutment areas. Approximately thirty small-diameter (1-inch or less) willows and one 6-inch diameter locust tree will be removed. The remainder of the project impacts will occur in areas of exposed bedrock, mine tailings, and uplands. Compensatory mitigation is required for impacts to riparian vegetation. Removed riparian vegetation will be replaced onsite with native riparian species. Success criteria for replanted riparian vegetation will be the successful establishment of at least one planted tree for each tree removed after five years from the date of planting. To achieve this criterion, the applicant plans to replace removed vegetation at a three-to-one (3:1) ratio.

Supplemental planting will be conducted as necessary to ensure that the mitigation success criterion is achieved.

8. Post-construction storm water treatment is required as mitigation for the direct discharge of storm water runoff from the new bridge deck. The total area of impervious surface to be treated is 4,420 square feet. A vegetated buffer strip measuring 25-feet wide and 180-feet long (4,500 square feet) will be installed on the eastside of the south abutment. The buffer strip will be hydroseeded along with planting of 30 willow stakes and 25 ponderosa pine saplings.
9. The applicant has applied for authorization from the U.S. Army Corps of Engineers to perform the project 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.
10. On August 22, 2005, the Siskiyou County Department of Public Works approved a Mitigated Negative Declaration (SCH No. 2005072087) 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.
11. The Klamath River watershed is listed on the Clean Water Act section 303(d) list as impaired for sediment/siltation, temperature, nutrients, cyanobacteria hepatotoxic microcystins, organic enrichment/low dissolved oxygen, high pH, and mercury. In September 7, 2010 the State Water Resources Control Board adopted a Resolution approving amendments to the Water Quality Control Plan for the North Coast Region to establish: (1) site specific dissolved oxygen objectives for the Klamath River; (2) an Action Plan for the Klamath River Total Maximum Daily Loads (TMDLs) addressing temperature, dissolved oxygen, nutrient, and microcystin impairments in the Klamath River; and (3) an Implementation Plan for the Klamath and Lost River Basins. On December 28, 2010, the US Environmental Protection Agency approved the TMDLs for the Klamath River in California pursuant to CWA Section 303(d)(2). The TMDLs, Implementation Plan, and new dissolved oxygen objectives are in effect. Roads are a significant source of sediment in the watershed (directly from surface erosion and indirectly by triggering landslides). A focus on measures to reduce sediment discharges to surface waters from roads in the watershed, and measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL compliance. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures.
12. Pursuant to Regional Water Board Resolution R1-2004-0087, *Total Maximum Daily Load 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.”

13. To ensure compliance with sediment, temperature and other related Water Quality Objectives within the Basin Plan, and consistent with the U.S. EPA and Regional Water Board established TMDLs, adequate wetland and riparian protection and stringent requirements to avoid, minimize, and mitigate the sediment and temperature impacts associated with the project have been incorporated as enforceable conditions this Water Quality Certification. Accordingly, this Water Quality Certification is consistent with, and implements the Klamath River TMDLs.
14. The main stem of the Klamath River from 100 yards below Iron Gate Dam to the Pacific Ocean is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the rivers free-flowing condition; anadromous and resident fisheries; and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. Recreational segments are generally developed, with parallel roads, bridges, and structures. All activities normally associated with public lands are permitted subject to the protection of free flowing condition and outstanding values. Implementation of the project would not affect the free-flowing condition of the Klamath River and would not affect the extraordinary values for which the segment was listed.
15. 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, and does not otherwise authorize degradation of the waters affected by this project.

Receiving Waters: Klamath River in the Beaver Creek Hydrologic Subarea No. 105.35

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 100 square feet of streambank

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: 17 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: 41.83363 N/122.62025 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Siskiyou County DPW – Klamath River Road Bridge Replacement at Highway 96 and Ash Creek Project (WDID No.1A11002WNSI), 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:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project (including the off-site mitigation lands) as related to this Water Quality Certification.

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 this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. The Regional Water Board staff 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 construction, and to answer any public inquiries that may arise regarding the project.
5. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

6. 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. 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 action(s).
7. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
8. The Applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
9. 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 waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
10. The Applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The Applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time. The Applicant shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
11. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
12. Removed riparian vegetation including approximately thirty small-diameter willows and one 6-inch diameter locust tree shall be replaced onsite with native riparian species. Success criteria for replanted riparian vegetation shall be the successful establishment of at least one planted tree for each tree removed after five years.

from the date of planting. Supplemental planting shall be conducted as necessary to ensure that the mitigation success criterion is achieved. The Applicant shall monitor plantings at least annually for five years to document plant survival and vigor. Annual riparian mitigation monitoring reports and a final monitoring report shall be submitted to the Regional Water Board.

13. Post-construction storm water runoff treatment as described in the Post Construction Storm Water Treatment Plan prepared for this project shall be provided to mitigate for the direct discharge of storm water runoff from the new bridge deck. The total area of impervious surface to be treated is 4,420 square feet. A vegetated buffer strip measuring a minimum of 25-feet wide and a minimum of 180-feet long (4,500 square feet) shall be installed on the eastside of the south abutment. Installation of the vegetated buffer strip shall be completed by May 1 of the first year following the date of project completion.
14. Work in flowing or standing surface waters is prohibited.
15. This Water Quality Certification does not authorize the Applicant to draft surface waters.
16. If construction dewatering of groundwater is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under Order No. R1-2009-0045, Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region or individual National Pollutant Discharge Elimination System Permit and shall receive notification of coverage to discharge to surface waters prior to initiating any groundwater dewatering discharge to surface waters.
17. 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.
18. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the streambank and streambed. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be at least 150 linear feet from waters of the State and the U.S. with the exception of cranes and stationary equipment which shall only be refueled using a certified refueling company when

not located at least 150 linear feet away from waters of the United States. Proper certification and documentation of fueling (field logs) shall be provided to the Regional Water Board upon request.

19. The Applicant and their contractor(s) are not authorized to discharge wastewater (e.g., water that has contacted uncured concrete, cement, asphalt, curing compounds, etc.) to surface waters, ground waters, or land. Wastewater may only be disposed of to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly-licensed disposal or reuse facility. If the Applicant or their contractor(s) propose an alternate disposal method, the Applicant or their contractor(s) shall apply for a permit from the Regional Water Board. Any plans to reuse or recycle wastewater require prior written approval from Regional Water Board staff.
20. 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 including stopping work. 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.
21. Spill kits are required at each fueling location and at each location that where power equipment will be working within waters of the State. In the event of an unauthorized release of fuel (spill or leak) to waters of the State, the Applicant shall immediately stop work and conduct the following measures:
 - a) notify the appropriate agencies including the Regional Water Board, CDFG, and the Office of Emergency Services (OES) at 1(800) 852-7550;
 - b) utilize the appropriate spill kits for containment and clean up of the release;
 - c) collect samples within the immediate area of release, 50 feet downstream, and downstream to the full extent of the release if the release reaches surface waters; and,
 - d) analyze required surface water samples for all appropriate constituents including but not limited to total petroleum hydrocarbons as diesel (TPH-D), total petroleum hydrocarbons as gasoline (TPH-G), and benzene, toluene, ethylbenzene, total xylenes (BTEX).
22. Any potentially hazardous waste(s) (solids, liquids, or slurries) derived or encountered during this project shall undergo the appropriate characterization to demonstrate compliance with all applicable waste disposal laws and regulations.
23. Surface water monitoring shall be conducted whenever a project activity may alter naturally occurring background conditions in order to demonstrate compliance with applicable water quality standards. The Applicant shall establish effluent

(discharge), upstream (background) and downstream monitoring locations to demonstrate compliance with all applicable water quality objectives as detailed in the Basin Plan. The downstream location shall be no more than 100 feet downstream from the discharge location. Any time that naturally occurring background conditions are altered by a project activity, field measurements shall be taken from each monitoring location at least four times daily. Field measurements shall be taken for pH (pH units), temperature (°F), dissolved oxygen (mg/L), and turbidity (NTU) at a minimum. In addition, visual observations shall be made and reported including the appearance of the discharge and the receiving water such as color, turbidity, solids deposition, floating or suspended matter or debris, appearance of the receiving water at the point of discharge, erosion and scouring, unusual aquatic growth, and the presence or absence of aquatic life.

24. Whenever, as a result of project activities, downstream surface water measurements do not meet the following water quality objectives, the appropriate measurements shall be collected from all surface water monitoring locations every hour. Surface water monitoring shall continue until all surface water measurements taken no more than 100 feet downstream from the discharge location are meeting the following water quality objectives.

<u>Parameter</u>	<u>Water Quality Objective</u>
pH	shall not be depressed below 6.5 nor raised above 8.5, and no changes >0.5 pH units compared to naturally occurring background shall be made
temperature	naturally occurring background temperature shall not be altered and at no time or place shall the temperature of any surface waters be increased by more than 5°F above naturally occurring background
dissolved oxygen	shall not be depressed below 7.0 milligrams per liter
turbidity	shall not be increased by more than 20% above naturally occurring background

If any surface water measurements do not meet these water quality objectives 100 feet downstream of a project related source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s) including stopping work. In addition, the overall distance from the source(s) to the downstream extent of the exceedence shall be measured.

Surface water monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within one hour of taking any measurements that

do not meet the water quality objectives listed above. Upstream and downstream pictures 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.

25. Rainy Day Reports: The Applicant shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after rainfall events that generate visible runoff from these areas in order to demonstrate that erosion control and revegetation measures are present and have been installed appropriately and successfully. A brief report containing these photos shall be submitted within 30 days of the first rainfall event that generated runoff from the disturbed areas. Once the site has demonstrated appropriate and effective erosion and sediment control, the Applicant may request a reprieve from this condition from the Regional Water Board.
26. 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.
27. 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 certification, 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.
28. 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.

29. 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).
30. The authorization of this certification for any dredge and fill activities expires on April 7, 2016. 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

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

Original sent to: Ms. Kyla Burton, Siskiyou County Department of Public Works,
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Electronic
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