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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 27, 2011

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In the Matter of

**Water Quality Certification**

for the

**California Department of Transportation**  
**Highway 36, Humboldt Slips - PM 23.5 and 28.2**  
**WDID No. 1B10060WNHU**

APPLICANT: California Department of Transportation  
RECEIVING WATER: Unnamed Tributaries to the Van Duzen River  
HYDROLOGIC AREA: Eel River Hydrologic Unit No. 111.00  
COUNTY: Humboldt  
FILE NAME: CDOT - HWY 36, Humboldt Slips Project

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BY THE EXECUTIVE OFFICER:

1. On June 1, 2010 the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation (Caltrans), requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Highway 36 – Humboldt Slips Project – Post Mile (PM) 23.5 and PM 28.2 (project). The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with unnamed tributaries to the Van Duzen River within the Eel River Hydrologic Unit (HU) No.111.00 (Bridgeville Hydrologic Sub-Area 111.22). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 16, 2010, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. The proposed project is located on Highway 36 (PM 23.3, PM 23.5, PM 26.4 - 26.7, and PM 28.2), in Humboldt County. The purpose of the proposed project is

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to repair four sections of roadway that have slipped and are on the verge of failure. At location 1 (PM 23.3) the proposed work does not impact jurisdictional resources and includes removing and replacing approximately 250 feet of asphalt. At location 2 (PM 23.5) proposed work includes reconstruction of a 200-foot long structural section of the roadway, repaving of approximately 400 feet of road surface, installation of an 8-inch underdrain, and replacement of an existing 24-inch cross-culvert and drop inlet. At location 3 (PM 26.4-26.7) the proposed work does not impact jurisdictional resources and includes reconstruction of a 1,100-foot-long structural section of the roadway, repaving approximately 1,300 feet of road surface, and replacing guard rail and cross culverts. At location 4 (PM 28.2) proposed work includes reconstruction of a 200-foot-long section of the roadway, repaving 500-feet of road surface and installation of a plastic liner inside of an existing 42-inch culvert.

3. Caltrans has determined that the total permanent impacts to jurisdictional waters of the U.S. (unnamed creeks) will be 130 feet<sup>2</sup> (35 linear feet). Compensatory mitigation is not required for this project. Caltrans' contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) for construction and post-construction phases of the project. Caltrans will utilize BMPs to provide erosion and sediment control and pollution prevention throughout the project area during construction. All graded areas within the project affected by the construction activities will be appropriately stabilized and BMPs will be implemented to ensure erosion is minimized and controlled. To minimize soil disturbances caused by temporary construction impacts, willows that need to be removed in order to gain access to the inlet of the culvert will be cut to ground height and the root ball will be left intact, which will facilitate soil stabilization and allow willows to regenerate. ESA fencing will be in place to protect and avoid impacts to the adjacent wetland area. All access and construction activities would take place on the west side of the culvert inlet. No work is anticipated to take place at the outlet.
4. The entire project would take place during the dry season (May 15 to October 15). If surface water is encountered during construction, a clear-water diversion may be necessary. Caltrans has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permits No. 3 (maintenance projects) pursuant to Clean Water Act, section 404. Caltrans has also applied for a California Department of Fish and Game 1600 Streambed Alteration Agreement. Caltrans has determined that this project is Categorically Exempt from California Environmental Quality Act (CEQA - class 1 categorical exemption). In addition, Regional Water Board staff also determined that this project is categorically exempt from CEQA and anticipates filing a notice of exemption.

5. The Van Duzen River watershed is listed on the State of California Clean Water Act Section 303(d) list as impaired for sediment/siltation. On December 16, 1999, the U.S. EPA established sediment Total Maximum Daily Loads (TMDLs) for the Van Duzen River and Yager Creek Watershed. 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.
6. 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.”
7. 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 impacts associated with the proposed project will be incorporated as enforceable conditions this Water Quality Certification. In addition, Caltrans will be required to conduct surface water monitoring, sampling, and analysis in accordance with the conditions of the Water Quality Certification. Additionally, storm water runoff monitoring, sampling, and analysis will be conducted as required by the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from the State of California, Department of Transportation (Caltrans) Properties, Facilities and Activities Order No. 99 – 06 - DWQ. The surface water data collected will be utilized to assess the adequacy of BMPs during construction as well as site specific mitigation measures proposed to minimize impacts to the environment, including sediment and temperature impacts. Accordingly, this Water Quality Certification is consistent with, and implements the Van Duzen River TMDLs.
8. 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.

9. The Van Duzen River from the Dinsmore Bridge to the powerline crossing above Little Larrabee Creek has been designated as scenic under both federal and California Wild and Scenic Rivers Acts. The Van Duzen River from the powerline crossing above Little Larabee Creek to the confluence with the Eel River is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the river's 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 Van Duzen River and would not affect the extraordinary values for which these segments were listed.

Receiving Waters: Two Unnamed Tributaries to the Van Duzen River  
Eel River Hydrologic Unit No. 111.00,  
Bridgeville Hydrologic Sub-Area No. 111.22.

Filled or Excavated Areas: Permanent – streams: 130 feet<sup>2</sup>

Total Linear Impacts: Permanent – streams: 35 linear feet

Dredge Volume : None

Fill Volume : Permanent - streams: 9 cubic yards

Latitude/Longitude: 40.4686 N/123.8092 W to 40.4840 N/123.7543 W

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 36 HUMBOLDT SLIPS PROJECT (FACILITY NO. 1B10060WNHU), 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 Caltrans complies with the following terms and conditions:

**All conditions of this order apply to Caltrans (and all its 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. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited, and all proposed revegetation and mitigation being completed, in strict compliance with the applicant's project description, as approved herein, and b) compliance with all applicable water quality requirements and water quality control plans including the requirements of the Basin Plan, and amendments thereto.
5. All conditions required by this Order shall be included in the Plans and Specifications prepared by Caltrans for the Contractor. In addition, Caltrans shall require compliance with all conditions included in this Order in the bid contract for this project.
6. Caltrans 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.
7. Any change in the design or implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order must be submitted to the Executive Officer of the Regional Water Board for prior review, consideration, and written concurrence.
8. Caltrans shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to the contractor, all subcontractors,

and all utility companies conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor, subcontractors, or utility companies.

9. The Regional Water Board shall be notified in writing each year at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities or water diversion activities with details regarding the construction schedule, in order to allow Regional Water Board staff to be present on-site during installation and removal activities, and to answer any public inquiries that may arise regarding the project. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this order.
10. The Resident Engineer (or appropriately authorized agent) shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on how to avoid violations and procedures for reporting violations. The meetings shall be held at least every other week, before forecasted storm events, and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or monitors assigned to the project, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.
11. All activities and best management practices (BMPs) shall be implemented according to the submitted application and the conditions in this certification. BMPs for erosion, sediment, turbidity and pollutant control shall be implemented and in place at commencement of, during, and after any ground clearing activities, construction activities, or any other project activities that could result in erosion, sediment, or other pollutant discharges to waters of the State. The BMPs shall be implemented in accordance with the Caltrans Construction Site Best Management Practice Manual (CCSBMPM) and all contractors and subcontractors shall comply with the CCSBMPM. In addition, BMPs for erosion and sediment control shall be utilized year round, regardless of season or time of year. Caltrans shall stage erosion and sediment control materials at the work site. All BMPs shall be installed properly and in accordance with the manufacturer's specifications. If the project Resident Engineer elects to install alternative BMPs for use on the project, Caltrans shall submit a proposal to Regional Water Board staff for review and concurrence.
12. Caltrans shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. Caltrans 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 Caltrans 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. Caltrans 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. Caltrans shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

13. Work in flowing or standing surface waters, unless otherwise proposed in the project description and approved by the Regional Water Board, is prohibited. If construction dewatering of groundwater is found to be necessary, Caltrans shall use a method of water disposal other than disposal to surface waters (such as land disposal) or Caltrans shall apply for coverage under the Low Threat Discharge Permit or an individual National Pollutant Discharge Elimination System (NPDES) Permit and receive notification of coverage to discharge to surface waters, prior to the discharge.
14. Caltrans is prohibited from discharging waste to waters of the State, unless explicitly authorized by this Order. For example, no debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, welding slag, 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 waters of the State. In addition, none of the materials listed above shall be placed within 150 linear feet of waters of the State or where the materials may be washed by rainfall into waters of the State.
15. Caltrans shall submit, subject to approval by the Regional Water Board staff, a dewatering and/or diversion plan that appropriately describe the dewatered or diverted areas and how those areas will be handled during construction. The diversion/dewatering plans shall be submitted no later than 30 days prior to conducting the proposed activity. Information submitted shall include the area or work to be diverted or dewatered and method of the proposed activity. All diversion or dewatering activities shall be designed to minimize the impact to waters of the State and maintain natural flows upstream and downstream. All dewatering or diversion structures shall be installed in a manner that does not cause sedimentation, siltation or erosion upstream or downstream. All dewatering or diversion structures shall be removed immediately upon completion of project activities. The in-channel work will only be conducted between May 15<sup>th</sup> and October 15<sup>th</sup>. This Water Quality Certification does not authorize Caltrans to draft surface waters.
16. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the U.S. and the State. Fueling, lubrication,

maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the U.S. At no time shall Caltrans use any vehicle or equipment which leaks any substance that may impact water quality.

17. Caltrans shall implement appropriate BMPs to prevent the discharge of equipment fluids to the stream channel. The minimum requirements will include: storing hazardous materials at least 150 linear feet outside of the stream banks; checking equipment for leaks and preventing the use of equipment with leaks; pressure washing or steam cleaning equipment to remove fluid residue on any of its surfaces prior to its entering any stream channel in a manner that does not result in a discharge to waters of the State.
18. 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.
19. Caltrans and their contractor are not authorized to discharge wastewater (e.g., water that has contacted uncured concrete or cement, or asphalt) 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 Caltrans or their contractor proposes an alternate disposal method, Caltrans or their contractor shall apply for a permit from the Regional Water Board. Plans to reuse or recycle wastewater require written approval from Regional Water Board staff.
20. Caltrans shall provide analysis and verification that placing non-hazardous waste or inert materials (which may include discarded product or recycled materials) will not result in degradation of water quality, human health, or the environment. All project-generated waste shall be handled, transported, and disposed in strict compliance with all applicable State and Federal laws and regulations. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly and in accordance with the Special Provisions for the project and/or Standard Specification 7-1.13, Disposal of Material Outside the Highway Right of Way. Caltrans shall submit to the Regional Water Board the satisfactory evidence provided to the Caltrans Engineer by the Contractor referenced in Standard Specification 7-1.13. In accordance with State and Federal laws and regulations, Caltrans is liable and responsible for the proper disposal of waste generated by their project.

21. All imported fill material shall be clean and free of pollutants. All fill material shall be imported from a source that has the appropriate environmental clearances and permits. The reuse of low-level contaminated solids as fill on-site shall be performed in accordance with all State and Federal policies and established guidelines and must be submitted to the Regional Water Board for review and concurrence.
22. Only clean washed spawning gravel (0.5" – 4") with a cleanliness value of at least 85, using the Cleanness Value Test Method for California Test No. 227 will be placed in the streams. Gravel bag fabric shall be nonwoven polypropylene geotextile (or comparable polymer) and shall conform to the following requirements:
  - Mass per unit area, grams per square meter, min ASTM Designation: D 5261 – 270
  - Grab tensile strength (25-mm grip), kilonewtons, min. ASTM Designation: D4632\* 0.89
  - Ultraviolet stability, percent tensile strength retained after 500 hours, ASTM Designation: D4355, xenon arc lamp method 70 or appropriate test method for specific polymer
  - Gravel bags shall be between 600 mm and 800 mm in length, and between 400 mm and 500 mm in width.
  - Yarn used in construction of the gravel bags shall be as recommended by the manufacturer or bag supplier and shall be of a contrasting color. Gravel shall be between 0.5" – 4" in diameter, and shall be clean and free from clay balls, organic matter, and other deleterious materials. The opening of gravel-filled bags shall be secured to prevent gravel from escaping. Gravel-filled bags shall be between 13 kg and 22 kg in mass.
  - Caltrans shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
23. Surface water monitoring shall be conducted whenever a project activity is conducted within waters of the State (e.g. demolition, pier construction, stream diversions). Surface water monitoring shall be conducted when any project activity has, or has the potential to, mobilize sediment and/or alter background conditions within waters of the State. In order to demonstrate compliance with receiving water limitations and applicable water quality standards, field measurements shall be collected whenever a project activity may alter background conditions.
24. Caltrans shall establish effluent, 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 50 feet from the effluent location. Field measurements shall be taken

from each location four times daily for flow, pH, temperature, dissolved oxygen, total dissolved solids, turbidity and specific conductance. In addition, visual observations shall be made four times daily and include the appearance of the discharge including color, turbidity, floating or suspended matter or debris, appearance of the receiving water at the point of discharge (occurrence of erosion and scouring, turbidity, solids deposition, unusual aquatic growth, etc), and observations about the receiving water, such as the presence of aquatic life. Measurements shall be collected from each sampling location four times daily while work is being conducted within waters of the State.

25. Whenever, as a result of project activities, downstream measurements exceed the following water quality objectives, appropriate measurements shall be collected from all monitoring locations every hour during the period of increase, and shall continue until measurements demonstrate compliance with receiving water limitations and the water quality parameters are no longer increasing as a result of project activities.

pH	<6.5 or >8.5 (any changes >0.5 units)
temperature	>0.5°F above background
dissolved oxygen	<7 milligrams per liter (mg/L)
total dissolved solids	>100 mg/L
turbidity	20% above natural background
specific conductance	>175 micromhos @ 77°F

If any measurements are beyond the water quality objectives 50 feet downstream of the source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s). In addition, the overall distance from the source(s) to the downstream extent of the exceedance shall be measured.

Monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within one hour of taking any measurements that exceed the limits detailed above (turbidity only if it is higher than 20 NTU as well). 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 of the incident. All other monitoring data shall be reported on a monthly basis and is due to the Regional Water Board by the 15<sup>th</sup> of the following month.

26. Rainy Day Reports: Caltrans 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 rainfall event that generated runoff from the disturbed areas. Once the site has demonstrated appropriate and effective erosion and sediment control, Caltrans may request a reprieve from this condition from the Regional Water Board.

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. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, and to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
29. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by Caltrans, Caltrans 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. The successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
  - a. requesting entity's full legal name
  - b. the state of incorporation, if a corporation
  - c. address and phone number of contact person
  - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
30. The authorization of this certification for any dredge and fill activities expires on April 27, 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.

31. Please contact our staff Environmental Specialist / Caltrans Liaison Jeremiah Puget of at (707) 576-2835 or [jpuget@waterboards.ca.gov](mailto:jpuget@waterboards.ca.gov) if you have any questions.

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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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

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