



California Regional Water Quality Control Board North Coast Region

Geoffrey M. Hales, Chairman

Linda S. Adams
Acting 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



Edmund G. Brown, Jr.
Governor

June 27, 2011

In the Matter of

Water Quality Certification

for the

California Department of Transportation Highway 101 – Richardson's Grove STAA Project WDID No. 1B10077WNHU

APPLICANT: California Department of Transportation
RECEIVING WATER: Unnamed Tributaries to the Eel River
HYDROLOGIC AREA: Eel River Hydrologic Unit (HU) No.111.00
Benbow Hydrologic Sub-Area No. 111.32
COUNTY: Humboldt
FILE NAME: CDOT - HWY 1, Richardson's Grove STAA Project

BY THE EXECUTIVE OFFICER:

1. On June 15, 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 101 – Richardson's Grove Surface Transportation Assistance Act of 1982 (STAA) Project (project). The project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with unnamed intermittent tributaries to the Eel River located within the Eel River Hydrologic Unit (HU) No.111.00 (Benbow Hydrologic Sub-Area 111.32). On November 19, 2010, the Regional Water Board opened a public comment period for the project. Regional Water Board staff received letters from 33 individuals or groups. Of those 33, two were in favor of the project, while 31 raised various objections. The Regional Water Board's responses to comments are attached herein as Attachment 1. Because many of the same comments were described in different letters, Regional Water Board staff grouped comments together where appropriate, and provided one response.

California Environmental Protection Agency

Recycled Paper

2. The project is located on Highway 101 from post mile (PM) 1.11 to 2.20, in Humboldt County. The purpose of the project is to upgrade the above-referenced section of Highway 101 by adjusting the current alignment to accommodate STAA truck travel, and thereby removing the current restriction to STAA traffic. The purpose of the project is to improve the safety and operation of the highway, while also improving the movement of goods. The majority of the work would take place within the boundaries of the Richardson’s Grove State Park.
3. Caltrans proposes 1.07 acres of ground disturbing activities including: slope excavation; minor widening at various locations; culvert repair and replacement at five locations; construction of a retaining wall; and implementation of erosion and sediment control. The project will result in an additional 0.3 acres (approximately 13,000 ft²) of new impervious surface, primarily as a result of widening the shoulder widths. Caltrans has evaluated post-construction storm water treatment Best Management Practices (BMPs); however, both Caltrans and Regional Water Board staffs agree that post-construction storm water treatment measures are not feasible within the park limits. During the evaluation of potential impacts to hydrology and water quality, in cooperation with multiple resource agencies, Caltrans included several design components to avoid, minimize, and mitigate storm-water impacts. In addition, Caltrans has incorporated measures to decompact and replant an abandoned roadbed (former highway alignment c. 1942) within the project limits to improve vegetation growth and storm water infiltration. Caltrans will also aid in several park improvements that directly and indirectly benefit water quality including; providing food lockers; trash bins; drain grates; and removing a park restroom thereby reducing the load to the septic system adjacent to Durphy Creek (tributary to the Eel River).
4. The project will result in temporary and permanent impacts to waters of the U.S and waters of the State. The scope of work proposed may require the installation of a water diversion and may require dewatering activities. Construction will also include vegetation clearing, excavation, utility relocation, revegetation, and erosion control activities. The entire project is expected to take approximately 180 working days to complete; however, the proposed in-channel work will only be conducted between June 1st and October 15th, when flows are low.
5. Caltrans has determined that direct impacts to waters of the U.S. and State would total 0.11 acres (520 ft²) and 293 linear feet of permanent impacts. Based on field reviews by Regional Water Board staff and modifications to project design, these impacts are considered minor and do not require compensatory mitigation. Although the permanent impacts reduce the amount of stream habitat, the improved drainage systems will increase capacity and reduce the velocity of water in the drainage system which will reduce the potential for erosion. Caltrans will utilize BMPs to

provide erosion control and pollution prevention throughout the project area during construction to avoid and minimize potential indirect impacts. In addition, 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.

6. Caltrans has applied for authorization from the United States Army Corps of Engineers to perform the project under their Nationwide Permits No. 14 (linear transportation projects) and No. 3 (Maintenance) pursuant to Clean Water Act, section 404. Caltrans has also applied for a California Department of Fish and Game Streambed Alteration.
7. On May 18, 2010, Caltrans, acting as lead agency, certified an Environmental Impact Report/Environmental Assessment (EIR/EA) (State Clearing House No. 2009012070) for the project in order to comply with the California Environmental Quality Act (CEQA).¹ As a Responsible Agency, the Regional Water Board complies with CEQA by considering the EIR/EA prepared by the lead agency (Caltrans) and by reaching its own conclusions on whether and how to approve the project involved. (Cal. Code Regs, tit. 14, § 15096.) The Regional Water Board has considered the EIR/EA as part of its review of the project application and will file a notice of determination with the State Clearinghouse (Attachment 2).
8. The Eel River watershed is listed on the CWA section 303(d) list as impaired for sediment and temperature. On December 16, 1999, the U.S. EPA established sediment and temperature Total Maximum Daily Loads (TMDLs) for the South Fork Eel River Watershed. Roads are a significant source of sediment in the watershed (directly, from surface erosion, and, indirectly, by triggering landslides). In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. 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.
9. 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

¹ The Regional Water Board notes that this EIR/EA is somewhat unique because, due to the fact that the CEQA checklist did not identify any potentially significant impacts, this project would normally require the preparation of a negative declaration and not an EIR. Consistent with the CEQA checklist, the EIR/EA concluded that there were no significant or potentially significant impacts associated with the project. Accordingly, no findings pursuant to CEQA Guidelines sections 15091 and/or 15093 are required.

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.”

10. To ensure compliance with sediment, temperature and other related water quality objectives in the Basin Plan, and consistent with the U.S. EPA-established TMDLs, adequate wetland and riparian protection and stringent requirements to avoid, minimize, and mitigate the sediment and temperature impacts associated with the proposed project will be incorporated as enforceable conditions in 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 (Caltrans Storm Water MS4 permit). 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.
11. 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 the degradation of water quality. The project includes the upgrade of five culverts within unnamed tributaries to the Eel River, which if left to degrade could cause significantly more erosion or alteration of drainage patterns resulting in more long term sedimentation to the Eel River. Although this Order authorizes temporary and permanent impacts to waters of the U.S. and State, the improvements to the culverts are intended to off-set those impacts and provide a more stable stream that produces less sediment, the primary pollutant for which this watershed is impaired.
12. The South Fork Eel River from the middle of Section 29, T23N, R16W (approximately one-half mile upstream of Rattlesnake Creek confluence) 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 conditions and outstanding values. Implementation of the Project would not affect the free-flowing condition of the South Fork Eel River and would not affect the extraordinary values for which the segment was listed. The project will have minor effects on the tributaries to the Eel River; however, there will be no modifications or structures placed within the Eel River itself.

Receiving Waters: Unnamed Tributaries to the Eel River
Eel River Hydrologic Unit No. 111.00,
Benbow Hydrologic Sub-Area No. 111.32.

Filled or Excavated Areas: Permanent – Streams: 520 feet²

Total Linear Impacts: Permanent – Streams: 293 linear ft

Dredge Volume : None

Fill Volume : Permanent - 7 cubic yards

Latitude/Longitude: 40.0211 N/123.7931 W

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 101 - RICHARDSON’S GROVE STAA PROJECT (FACILITY NO. 1B10077WNHU), 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, avoidance, minimization, and mitigation measures being completed, in strict compliance with the applicant’s project description and CEQA documentation, 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, major concrete pours, dewatering 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. Pursuant to its authority under Section D(2) of the Caltrans Storm Water MS4 permit, the Regional Water Board hereby requires Caltrans to conduct a risk determination in accordance with SWRCB Construction General Permit (CGP) Order No. 2009-0009-DWQ for the entire area of the bypass and the mitigation sites. In addition, Caltrans shall submit the Storm Water Pollution Prevent Plan (SWPPP) in an electronic format using the Storm Water Multi-Application Reporting and Tracking System (SMARTS). <http://smarts.waterboards.ca.gov/>. Risk determination shall include the time frame (i.e. number of years) that will be required to completely construct the project. Caltrans shall submit the SWPPP, including the risk level determination(s) 30 days prior to initiating channel- ground- or vegetation-disturbing activities.
11. All work within waters of the U.S. and State will take place between June 1 and October 15.
12. Caltrans shall conduct minimization and mitigation measures as detailed in the October 28, 2009, Storm Water Treatment Options Memorandum (Attachment 3). These measure include, but are not limited to: restorative planting of 0.56 acre of former US Route 101 roadbed alignment adjacent to PM 1.90; providing the California Department of Parks and Recreation with 11 corvid-proof waste receptacles, 30 dumpsters, 27 recycle bins, 175 food lockers, and 79 drain grates to replace the existing equipment near parking, picnic, and camping areas in Richardson Grove State Park; redirecting storm water flows at PM 1.78 into a new over-side drain; redirecting storm water at PM 2.10 into an existing culvert; replacing the cut slope near PM 2.11 with a retaining wall; and removal of the impervious surfaces at the park restroom. Caltrans shall submit annual status reports to the Regional Water Board on December 31st of each year, detailing the progress of these mitigation measures until all mitigation actions have been successfully implemented.
13. Caltrans shall dispose of the aerial deposited lead derived from the project activities in accordance with the draft disposal plan submitted to the Regional Water Board on February 25, 2010 (Attachment 4). At least 30-days prior to implementing the proposed disposal activities the plan shall be signed by an engineer or geologist with the appropriate and valid California licenses and submitted to the Executive Officer of the Regional Water Board for verification.

Subsequent to the implementing the disposal plan Caltrans shall provide the Regional Water Board with as-built plans signed by an engineer or geologist with the appropriate and valid California licenses.

14. 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.
15. All activities and best management practices (BMPs) shall be implemented according to the submitted application and the conditions in this Order. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States 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 United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
21. 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.

22. 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.
23. 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.
24. Any potentially hazardous waste(s) (solids, liquids, or slurries) derived or encountered in this project shall undergo the appropriate characterization to demonstrate compliance with all applicable waste disposal laws and regulations. If unanticipated or anticipated waste are encountered or created during the project, Caltrans shall notify the Regional Water Board immediately and at least within 24 hours. Caltrans or their contractor shall prepare applicable work plans for handling, treating, transporting, and disposing of waste. The work plans shall be prepared and signed by an engineer or geologist with the appropriate and valid California licenses.
25. 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.

26. 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.
27. 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.
28. Surface water monitoring shall be conducted whenever a project activity is conducted within waters of the State (e.g. 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.
29. 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.

30. 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	<7.0 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	>120 mg/L
turbidity	20% above natural background
specific conductance	>200 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 15th of the following month.

31. 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.

32. 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.
33. 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.
34. This Order is not transferable without express written approval by the Regional Water Board. 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.
35. The authorization of this certification for any dredge and fill activities expires on June 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.

36. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with title 23, California Code of Regulations, section 3867. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person aggrieved by this Order may request the Regional Water Board to reconsider this Order. To be timely, any such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30 day period is necessary to preserve the petitioner’s legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that the conditions of this Order must be complied while any request for reconsideration and/or petition is being considered.
37. Please contact our staff Environmental Specialist / Caltrans Liaison Jeremiah Puget of at (707) 576-2835 or jpuget@waterboards.ca.gov if you have any questions.

Catherine Kuhlman
Executive Officer

110627_JJP_CDOT_Hwy101_RichardsonsGrove_401cert

Attachments:

1. Response to Public Comments
2. Notice of Determination
3. Caltrans Storm Water Treatment Memo
4. Waste Disposal Plan
5. Drainage Plans

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. Deborah Harmon, Caltrans - North Region, P.O. Box 3700,
Eureka, CA 95501-3700

Copies sent to: Ms. Gail Popham, Caltrans – North Region, P.O. Box 3700,
Eureka, CA 95501-3700

Ms. Kim Floyd, Caltrans – North Region, P.O. Box 3700,
Eureka, CA 95501-3700

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
Functions, 1455 Market Street, San Francisco, CA 94103-1398

U.S. Army Corps of Engineers, District Engineer, 601 Startare
Drive, Box 14, Eureka, CA 95501