



# California Regional Water Quality Control Board North Coast Region

**Geoffrey M. Hales, Chairman**

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Secretary for  
Environmental Protection

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**Edmund G. Brown, Jr.**  
Governor

October 20, 2011

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In the Matter of

## Water Quality Certification

for the

### California Department of Transportation Highway 299, Blue Lake Sink Storm Damage Repair Project WDID No. 1B10089WNHU

APPLICANT: California Department of Transportation  
RECEIVING WATER: Tributaries to the North Fork Mad River and Redwood Creek  
HYDROLOGIC AREA: Mad River Hydrologic Unit, No.109.00, and  
Redwood Creek Hydrologic Unit, No.106.00.  
COUNTY: Humboldt  
FILE NAME: CDOT - HWY 299, Blue Lake Sink Storm Damage Repair  
Project

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BY THE EXECUTIVE OFFICER:

1. On August 11, 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 299, Blue Lake Sink Storm Damage Project (Project). Additional information was received on April 18, 2011, May 31, 2011, June 3, 2011, August 19, 2011, September 1, 2011, and October 20, 2011. The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with ephemeral and intermittent watercourses and wetlands within the Mad River Hydrologic Unit, No.109.00, and Redwood Creek Hydrologic Unit, No.106.00. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 2, 2011, and posted information describing the project on the Regional Water Board's website. No comments were received.

**California Environmental Protection Agency**

*Recycled Paper*

2. The proposed project includes roadway, drainage, and watercourse restoration at two locations along Highway 299. The proposed work at Location 1 extends from post mile (PM) 8.4 to PM 8.6 and includes the installation of a groundwater drainage gallery to dewater the hillsides adjacent to the roadway, culvert drainage repair and replacement, watercourse channel stabilization, revegetation, and enhancement. The purpose of the work at Location 1 is to remove water from the hillside, which is part of an active landslide, to reduce the rate of roadway subsidence and stabilize the highway. The groundwater drainage galleries will outlet into ephemeral and intermittent watercourses which are tributaries to the North Fork Mad River. In order to demonstrate compliance with water quality objectives Caltrans has conducted initial sampling and analysis of the groundwater in the vicinity of the proposed drainage gallery wells and will be required to obtain coverage under a national pollution discharge elimination system (NPDES) permit prior to discharging groundwater to surface waters.
3. The proposed work at Location 2 extends from PM 27.53 to PM 27.7 and includes culvert, drainage inlet, down-drain repair and replacement, watercourse channel stabilization, and revegetation. The proposed project is necessary because the highway drainage systems have been damaged and risk failure.
4. Caltrans has determined that the total project permanent impacts to ephemeral and intermittent watercourses identified as other waters of the U.S. will be approximately 0.054 acres (749 linear feet). The temporary project impacts to watercourses identified as other waters of the U.S. will be approximately 0.038 acres (456 linear feet). In addition, Caltrans has determined that 0.007 acres (305 feet<sup>2</sup>, 24 linear feet) of wetlands identified as waters of the U.S. will be temporarily impacted. Additionally, Caltrans has determined that temporary impacts to riparian areas (waters of the State) will total 0.008 acres (349 feet<sup>2</sup>, 75 linear feet).
5. To mitigate project impacts Caltrans proposes to remove and control invasive species and enhance the watercourses by planting native riparian vegetation within the disturbed riparian areas and placing rock slope protection (RSP) in the unstable (degrading) watercourses. Additional trees and shrubs will be planted at onsite locations to offset impacts to riparian habitats, improve water quality by shading and cooling waters, and enhance habitat for aquatic species. Caltrans proposes to revegetate 0.147 acres (6,403 feet<sup>2</sup>, 334 linear feet) of riparian habitat with native vegetation. In addition, to further mitigate project impacts Caltrans will remove an abandoned bituminous-coated culvert from waters of the U.S. located along the former Green Diamond access road, which Caltrans will use for access. Subsequent to construction Caltrans will restore the 0.055 acres of waters of the U.S, including 0.007 acres of wetlands, which will be temporarily impacted during project implementation.

6. Project activities will be conducted between April 15<sup>th</sup> and October 15<sup>th</sup> and are anticipated to take 135 days to complete. Work within waters of the U.S will only be conducted in the dry season (May 15 to October 15). Caltrans' contractor will be required to implement Best Management Practices (BMPs) for construction and post-construction phases of the project to provide erosion and sediment control and pollution prevention throughout the project area. All graded areas within the project affected by the construction activities will be appropriately stabilized and BMPs will be implemented to ensure erosion and potential pollution is minimized and controlled.
7. Caltrans has applied for authorization from the United States Army Corps of Engineers to perform the project under their Nationwide Permit No. 3 (maintenance) pursuant to Clean Water Act, section 404. In addition, Caltrans has applied for a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game. On March 25, 2009, Caltrans, acting as lead agency, certified a Mitigated Negative Declaration (MND) (State Clearing House No. 2009012001) for the project in order to comply with the California Environmental Quality Act (CEQA). As a Responsible Agency, the Regional Water Board complies with CEQA by considering the MND prepared by the lead agency (Caltrans) and by reaching its own conclusions on whether and how to approve the project involved. The Regional Water Board has considered the environmental documents and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
8. The Redwood Creek watershed is listed on the CWA section 303(d) list as impaired for sediment and temperature. On December 30, 1998, the U.S. EPA established sediment Total Maximum Daily Loads (TMDLs) for the Redwood Creek Watershed. The Mad River watershed is listed on the CWA section 303(d) list as impaired for sediment/turbidity and temperature. On December 21, 2007, the U.S. EPA established sediment and turbidity TMDLs for the Mad 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 are 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 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 within the Basin Plan, 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 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.
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 degradation of the waters affected by this project.
12. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this certification.

Receiving Waters: Intermittent and Ephemeral Streams and Wetlands  
Mad River Hydrologic Unit, No.109.00, and  
Redwood Creek Hydrologic Unit, No.106.00.

Filled and/or

Excavated Areas: Permanent - streams (Waters of U.S.): 0.054 acres (2,353 feet<sup>2</sup>)  
Temporary – wetlands (Waters of U.S.): 0.007 acres (305 feet<sup>2</sup>)  
Temporary – streams (Waters of U.S.): 0.038 acres (1,655 feet<sup>2</sup>)  
Temporary - riparian areas (Waters of State): 0.008 acres (349 feet<sup>2</sup>)

Total Linear Impacts: Permanent - streams (Waters of U.S.): 749 linear feet  
Temporary – wetlands (Waters of U.S.): 24 linear feet  
Temporary - streams (Waters of U.S.): 456 linear feet  
Temporary - riparian areas (Waters of State): 75 linear feet

Dredge Volume : None

Latitude/Longitude: Location 1, 40.8894 N / 123.7119 W  
Location 2, 40.9117 N / 123.7878 W

Mitigation proposed: On-site: restoration of 0.055 acres of water of the U.S. including 0.007 acres of wetlands  
On-site: restoration of 0.147 acres (6,403 feet<sup>2</sup>, 334 linear feet) of riparian habitat

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Caltrans Highway – 299, Blue Lake Sink Storm Damage Repair Project (WDID No. 1B10089WNHU), 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. 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.
5. Caltrans shall provide a copy of this order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ (web link referenced below) to the contractor and all subcontractors 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 or subcontractors.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. At least 90 days prior to commencing construction on the groundwater drainage gallery, Caltrans shall submit an NPDES compliance plan to the Executive Officer of the Regional Water Board for review and approval. The compliance plan shall be consistent with the Implementation Plan for Low Threat Discharges (North Coast Regional Water Quality Control Board Basin Plan, May 2011) and include at a minimum:

An Operation and Maintenance Manual for the facility;  
A map including facility conveyances and discharge locations;

A BMP and Pollution Prevention Plan;  
A Monitoring and Reporting Program; and  
A Compliance Evaluation Plan.

Caltrans is prohibited from discharging groundwater to surface waters until the NPDES compliance plan is approved by the Executive Officer.

12. 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.
13. Caltrans shall submit, subject to review and concurrence 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 Order does not authorize Caltrans to draft surface waters.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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. Within 30 days of disposing of materials off-site 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.
19. 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.
20. Only clean washed spawning gravel (0.5" – 4") with a cleanliness value of at least 85, using the Cleaness 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.

21. In order to demonstrate compliance with receiving water limitations and water quality objectives surface water monitoring shall be conducted. When conducting surface water monitoring Caltrans shall establish discharge, upstream (background) and downstream monitoring locations to demonstrate compliance with applicable water quality objectives. The downstream location shall be no more than 100 feet from the discharge location.

- A. Surface water monitoring shall be conducted whenever a project activity is conducted within waters of the State (including but not limited to stream diversions, pile installation, and cofferdam installation or removal). Measurements and observations shall be collected from each sampling location four times daily.
- B. Surface water monitoring shall be conducted immediately when any project activity has mobilized sediment or other pollutants resulting in a discharge and/or has the potential to alter background conditions within waters of the State (including but not limited to storm water runoff, concrete discharges, leaks, and spills.). The continuing frequency is contingent upon results of field measurements and applicable water quality objectives.

Surface water monitoring field measurements shall be taken for pH, temperature, dissolved oxygen, total dissolved solids, turbidity and specific conductance. In addition, visual observations of each location shall be documented daily for each established monitoring location and monitoring event and include the estimate of flow, appearance of the discharge including color, 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. If a project activity has reached a steady state and is stable then Caltrans may request a temporary reprieve from this condition from the Regional Water Board until an activity or discharge triggers the monitoring again.

22. Whenever, as a result of project activities (in-stream work or a discharge to receiving waters), downstream measurements exceed any water quality objective 100 feet downstream of the source(s) all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s). The frequency of surface water monitoring shall increase to hourly and shall continue until measurements demonstrate compliance with water quality objectives for each parameter listed below and measured levels are no longer increasing as a result of project activities. In addition, the overall distance from the source(s) to the downstream extent of the exceedence of water quality objectives shall be measured.

Monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within 24 hours of taking any measurements that exceed the limits detailed below (only report turbidity if it is higher than 20 NTU).

pH	<6.5 or >8.5 (any changes >0.5 units)
temperature	1°F above natural background
dissolved oxygen	<7 milligrams per liter (mg/L)
total dissolved solids	>160 mg/L
turbidity	20% above natural background
specific conductance	>300 micromhos @ 77°F

Monitoring results and upstream and downstream pictures within the working and/or disturbed area and discharge location shall be taken and submitted to the appropriate Regional Water Board staff within 24 hours of the incident. All other monitoring data documenting compliance with water quality objectives 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.

23. On-site mitigation/revegetation shall be conducted in accordance with the Caltrans-prepared *Mitigation and Monitoring Plan (MMP)*, dated August 2011. In accordance with the MMP pre-construction surveys and environmentally sensitive

area (ESA) fencing will be installed prior to construction and baseline surveys of the existing wetlands and drainages will be performed prior to construction. All replanting and mitigation measures shall be conducted in the fall/winter subsequent to construction of each facility (i.e., culvert). Mitigation maintenance and monitoring shall begin immediately after planting is conducted. Mitigation and monitoring reports are due annually, beginning December 31, 2011.

24. Post Storm Event Reports:

- Once the project has begun ground-disturbing activities, and subsequent to a qualifying rain event that exceeds 0.5-inches of precipitation, Caltrans shall inspect the project within 24 hours and take photos of all discharge locations, and disturbed areas, including all excess materials disposal areas, in order to demonstrate that erosion control and revegetation measures are present and have been installed appropriately and are functioning effectively. A brief report containing these photos, corrective actions (if necessary), and any surface water monitoring results collected pursuant to this Order or the Construction General Permit (SWRCB Order 2009-009 DWQ) shall be submitted to the Regional Water Board within 10 days after the end of the qualifying rain event. Inspections are required daily during extended rain events. Once the project site is stable, in a steady state (channel- ground- or vegetation-disturbing activities have ceased), and has demonstrated sufficient and effective erosion and sediment control, Caltrans may request a reprieve from this condition from the Regional Water Board. At least one post-construction inspection is required to demonstrate sufficient and effective erosion and sediment control and compliance with the Basin Plan.
- Rain events are periods of precipitation that that are separated by more than 48-hours of dry weather. Rainfall amounts may be taken from on-site rain gauges, from the nearest California Data Exchange Center station (<http://cdec.water.ca.gov>), or by a custom method or station approved by Regional Water Board staff.

25. 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.

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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
27. This Order is not transferable. 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. 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.
28. 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 Caltrans' project description and CEQA documentation, as approved herein, b) Caltrans shall construct the project in accordance with the project described in the application and the findings above, and c) compliance with all applicable water quality requirements and water quality control plans including the requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan), and amendments thereto. 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. 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 Caltrans may be subject to Regional Water Board enforcement actions.
29. The authorization of this certification for any dredge and fill activities expires on October 20, 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.

30. Please contact our staff Environmental Specialist / Caltrans Liaison Jeremiah Puget 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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Web link: 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)

Original to: Mr. Gary Berrigan Caltrans, P.O. Box 3700, Eureka, CA 95501-3700

Copies to: Mr. Coady Reynolds, Caltrans, P.O. Box 3700, Eureka, CA 95501-3700

Electronic

Copies to: U.S. Army Corps of Engineers, Regulatory Functions –  
San Francisco District