
North Coast Regional Water Quality Control Board

March 13, 2012

In the Matter of

Water Quality Certification

for the

**California Department of Transportation
Highway 101, Airport Blvd / Fulton Rd Interchange Modification Project
WDID No. 1B11101WNSO**

APPLICANT: California Department of Transportation
RECEIVING WATER: Wetlands and intermittent, ephemeral and perennial streams
HYDROLOGIC AREA: Russian River Hydrologic Unit No.114.00
COUNTY: Sonoma
FILE NAME: CDOT - HWY 101 Airport Fulton Interchange Modification
WDID No. 1B11101WNSO

BY THE EXECUTIVE OFFICER:

1. On June 30, 2011, 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 proposed Highway 101, Airport Blvd / Fulton Rd Interchange Modification (Project). Additional information was received on January 27, 2012. The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with intermittent and ephemeral drainages, wetlands, streams and riparian areas that are located within the Russian River Hydrologic Unit No.114.00 (Santa Rosa Hydrologic Sub-Area No.114.22 and Mark West Creek Hydrologic Sub-Area No.114.23). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 8, 2011, and posted information describing the project on the Regional Water Board's website. No comments were received.

2. The project is located along Highway 101 in Sonoma County from Post Mile (PM) 25.6 to PM 26.9 and from PM 28.18 to 29.17 and is Phase B of the High Occupancy Vehicle (HOV) Widening project from Windsor to Santa Rosa. In Phase B, Caltrans is proposing to convert the two existing partial interchanges at Fulton Rd and at Airport Blvd into a single complete interchange by modifying the off-ramps and on-ramps at Airport Blvd and eliminating the off-ramps and on-ramps at Fulton Rd. In addition, the Project will replace the existing two-lane Airport Blvd Overcrossing at Highway 101 with a new five-lane overcrossing bridge structure. As part of the new interchange design Caltrans proposes to construct a new bridge over Mark West Creek as an off-ramp to Airport Blvd. Additionally, four sound walls will be constructed along Highway 101 between the Shiloh Rd and Windsor River Rd Interchanges. One sound wall will be constructed on the west side of Highway 101 and three sound walls will be constructed on the east side of Highway 101.
3. Caltrans has determined that the total project permanent impacts to wetlands identified as waters of the U.S. will be 0.224 acres and 0.0092 acres of isolated waters of the State. Permanent impacts to streams identified as waters of the U.S. will be approximate 0.0004 acres (16 ft², 10 linear feet). In addition, permanent impacts to the banks and riparian area of Mark West Creek above the ordinary high water mark (OHWM) will be 0.53 acres (177 linear feet). The temporary project impacts from construction activities to streams identified as other waters of the U.S. will be approximately 0.33 acres (314 linear feet). In addition, the temporary impacts to the stream banks and riparian area identified as waters of the State will total approximately 0.28 acres (135 linear feet). Additionally, Caltrans proposed to relocate 12,204 linear feet of roadside ditches identified as waters of the State. These ditches will be recreated and relocated within the project and total 11,601 linear feet.
4. Caltrans proposes to mitigate for Phase B through on-site and off-site mitigation projects in cooperating with the Sonoma County Transportation Authority (SCTA). The on-site mitigation includes the establishment of 255 linear feet of intermittent stream channel within the project limits and 510 linear feet of riparian creation and enhancement. In addition, Caltrans has proposed to install 54 linear feet of large woody material along the bank of Mark West Creek as habitat enhancement for fish and other aquatic species. Additional compensatory mitigation will include approximately 1,000 linear feet of off-site riparian enhancement via plantings along Mark West and Porter Creeks in the upper Mark West watershed. The off-site mitigation project is on property owned and managed by the Sonoma County Agricultural Land and Open Space District. Additionally, permanent impacts to wetlands and California Tiger Salamander habitat will be mitigated through the purchase of 0.35 acres of credits from the Hazel Mitigation Preserve located in Sonoma County.

5. Phase B construction activities will cumulatively result in approximately 50 acres of disturbed soil area (DSA). Caltrans proposes to conduct work year round, but will limit work within Mark West Creek to the dry season from June 15 to October 15. The project is anticipated to take one year to construct. 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.
6. The project will result in an increase of approximately three new acres of impervious surface. Caltrans has determined that it is practicable to treat approximately nine acres of impervious surface with post-construction storm water treatment BMPs. Storm water runoff and modifications to the local hydrograph will be controlled primarily through the use of low impact development (LID) BMPs, primarily through infiltration to native and amended soils. The project will incorporate three-biorentention areas and eight infiltration areas to treat storm water runoff from the site which will result in a total of 9.1 acres of treatment.
7. 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. 33 (Temporary Access, Construction, and Dewatering) 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 October 24, 2007, Caltrans adopted an Environmental Impact Report [EIR (State Clearing House No.2003062101)] for the Project in order to comply with the California Environmental Quality Act (CEQA). On May 20, 2010, Caltrans approved a CEQA revalidation (amendment) to the EIR for design modifications to Phase B of the project. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
8. The Russian River watershed is listed on the Clean Water Act section 303(d) list as impaired for sediment and temperature. Roads are a significant source of sediment in the watershed (directly, from surface erosion, and, indirectly, by triggering landslides. In addition, activities that impact stream bed, banks, and floodplains and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. Such projects may involve removal of vegetation and/or channel alteration, and also have potential to increase sediment loads. 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 Basin Plan and CEQA 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. Pursuant to Regional Water Board Resolution R1-2012-0013, *Implementation of the Water Quality Objective for Temperature in the North Coast Region* (Temperature Implementation Policy), Regional Water Board staff are directed to address factors that contribute to elevated water temperatures when issuing 401 certifications or WDRs (permits) for individual projects. Any permit should be consistent with the assumptions and requirements of temperature shade load allocations in areas subject to existing temperature TMDLs, including EPA- established temperature TMDLs, as appropriate. If applicable, any permit or order should implement similar shade controls in areas listed as impaired for temperature but lacking a TMDL and region-wide as appropriate and necessary to prevent future impairments and to comply with the intrastate temperature objective.
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: Wetlands and intermittent, ephemeral and perennial streams
(Mark West Creek)
Russian River Hydrologic Unit No.114.00
Santa Rosa Hydrologic Sub-Area 114.22
Mark West Hydrologic Area No.114.23

Filled and/or

Excavated Areas: Permanent – streams (Waters of U.S.): 0.0004 acre
Permanent – wetlands (Waters of U.S.): 0.224 acre
Permanent – wetlands (Waters of State): 0.0092 acre
Permanent – riparian (Waters of State): 0.53 acre

Temporary – streams (Waters of U.S.): 0.33 acre
Temporary – riparian (Waters of State): 0.28 acre

Total Linear Impacts: Permanent – streams (Waters of U.S.): 10 linear feet
Permanent – riparian (Waters of State): 177 linear feet
Temporary – streams (Waters of U.S.): 314 linear feet
Temporary – riparian (Waters of State): 135 linear feet
Temporary – roadside ditches (Waters of State): 12,204 linear feet

Dredge Volume : None

Fill Volume : 3,074 cubic yards

Latitude/Longitude: 38.51137 N / 122.776337 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Caltrans – Highway 101 Airport Blvd and Fulton Rd Interchange Modification Project (WDID No. 11B11101WNSO), 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, water diversion activities or construction 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. Herbicides and pesticides shall not be used within the project. If Caltrans has a compelling case as to why herbicides and pesticides should be used, they may submit a request along with a BMP plan to the Executive Officer of the Regional Water Board for review, consideration, and concurrence.
 11. 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.
 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 June 15 and October 15. 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

request authorization 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 (0.25" – 6") with a cleanliness value of at least 85, using the Cleanliness 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, turbidity and temperature. 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)
turbidity	20% above natural background
temperature	>0.5°F above background

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 15th of the following month.

23. 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.

24. Caltrans shall perform mitigation action in accordance with the Mitigation and Monitoring Plan Summary, dated January 2012. The on-site mitigation includes the establishment of 255 linear feet of intermittent stream channel within the project limits and 510 linear feet of riparian creation and enhancement. In addition, Caltrans has proposed to install 54 linear feet of large woody material along the bank of Mark West Creek as habitat enhancement for fish and other aquatic species. Additional compensatory mitigation will include approximately 1,000 linear feet of off-site riparian enhancement via plantings along Mark West and Porter Creeks in the upper Mark West watershed. Additionally, permanent impacts to wetlands and California Tiger Salamander habitat shall be mitigated through the purchase of 0.35 acres of credits from the Hazel Mitigation Preserve located in Sonoma County. Final verification of credit transfer shall be provided prior to construction. At least 60-days prior to construction Caltrans shall provide a final mitigation and monitoring plan for to the Executive Officer of the Regional Water Board for review, consideration, and concurrence. The final plan shall include, design plans, a short term work plan, performance standards and success criteria, implementation schedule, adaptive management plan, reporting schedule and long term management plan. The initial on-site and off-site mitigation actions shall be completed by November 2014; annual mitigation reports are due annually on December 31, with the first report due December 31, 2014.
25. Caltrans shall incorporate the LID BMPs as proposed in the project application. Caltrans has determined that it is practicable to treat approximately nine acres of impervious surface with post-construction storm water treatment BMPs. The project shall incorporate three-biorentetion areas and eight infiltration areas to treat storm water runoff from the site which will result in a total of 9.1 acres of treatment. In addition, Caltrans shall repair or modify the proposed pilot program storm water treatment BMPs as developed in Phase A of the (HOV) Widening project from Windsor to Santa Rosa (401 Certification, dated July 10, 2008, WDID NO. 1B07177WNSO). At least 60-days prior to construction Caltrans shall submit a BMP treatment/monitoring plan to the Executive Officer of the Regional Water Board for review, consideration, and concurrence. The plan shall include BMP locations and designs, maintenance plan, monitoring methods, a surface water sampling and analysis plan, and reporting program to evaluate the effectiveness of the proposed treatment BMPs.
26. 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.

27. 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.
28. 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.
29. 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.

30. The authorization of this certification for any dredge and fill activities expires on March 14, 2017. 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 if you have any questions.

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

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111 Grand Avenue, 9th Floor, Oakland, CA 94612

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