
North Coast Regional Water Quality Control Board

January 25, 2013

In the Matter of
Water Quality Certification
for

**Humboldt County DPW – Bair Road at Redwood Creek, Bridge Scour Protection
WDID No. 1B12197WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Redwood Creek
HYDROLOGIC UNIT: Beaver Hydrologic Area No. 107.20
COUNTY: Humboldt
FILE NAME: Humboldt Co. DPW – Bair Road at Redwood Creek, Bridge
Scour Protection

BY THE EXECUTIVE OFFICER:

1. On December 6, 2012, the Humboldt County Public Works Department (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with maintenance of existing rock slope protection (RSP) along a wingwall of the bridge on Bair Road over Redwood Creek, in order to prevent additional scour and protect the bridge structure during high flows in Redwood Creek. The project is located near Post Mile 3.38 in Redwood Valley. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 27, 2012, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The project involves placement of 25 to 30 cubic yards of one-ton rock along the exposed and undermined wingwall on the right streambank to supplement existing RSP that has shifted and eroded. The supplemental rock will be placed to fill voids

that have formed in the RSP over the years of high flows in Redwood Creek. The additional RSP will not intrude any further into the channel beyond the extent of the existing RSP that remains.

3. Rock will be stockpiled within the existing roadway and/or a nearby turnout. An excavator will be used to pick up one rock at a time and carefully place it along the scoured wingwall and existing RSP. All work will be done from the bridge-deck and only a portion of the excavator bucket will enter the water to place the RSP.
4. The project will result in 30 linear feet and 200 square feet of permanent impacts to the existing RSP and wingwall lined streambank located within waters of the United States. The project will not result in any temporary impacts to waters of the United States. Compensatory mitigation is not required for the project. Non-compensatory mitigation measures include implementation of the project during the dry season when flows are low and the use of Best Management Practices (BMPs) for materials staging and use of heavy equipment near a stream channel. The project is scheduled to occur during the summer of 2013 and is expected to take approximately 2 days to complete.
5. The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3 pursuant to Clean Water Act, section 404. The applicant has obtained a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
6. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Section 15301 – existing facilities).
7. The Redwood Creek watershed is listed on the Clean Water Act 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. 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 TMDL, Basin Plan, and CEQA compliance. The project is intended to prevent scour and erosion along the existing bridge wingwall and does not include the addition of any fine sediment to the stream channel or the removal of any riparian vegetation. Accordingly, this Order is consistent with, and implements portions of the Redwood Creek TMDL.

8. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.
9. 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 water quality certification.
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Receiving Water: Redwood Creek in the Beaver Hydrologic Area No. 107.20

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 200 square feet of existing RSP lined streambank

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: 30 linear feet of existing RSP lined streambank

Dredge Volume: None

Latitude/Longitude: 40.96391 N/123.84090 W

Expiration: January 25, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – Bair Road at Redwood Creek, Bridge Scour Protection (WDID No. 1B12197WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project 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. Regional Water Board staff shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
6. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order,

shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.

8. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
9. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
13. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).
14. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
15. The Applicant shall comply with all applicable water quality standards as detailed in the Basin Plan.

16. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
17. 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.
18. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

19. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

20. The authorization of this certification for any dredge and fill activities expires on January 25, 2018. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

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

Original Signed By David Leland For

Matthias St. John
Executive Officer

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Weblink: State Water Resources Control Board Order No. 2003-0017-DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Mr. Andrew Bundschuh, Humboldt County Public Works Department,
1106 Second Street, Eureka, CA 95501-0579

Electronic

Copy to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398