
North Coast Regional Water Quality Control Board

February 7, 2013

In the Matter of
Water Quality Certification
for the
California Department of Transportation
Highway 12, Laguna de Santa Rosa Bridge Replacement Project
WDID No. 1B12122WNSO

APPLICANT: California Department of Transportation
RECEIVING WATER: Laguna de Santa Rosa
HYDROLOGIC AREA: Russian River Hydrologic Unit No.1114
COUNTY: Sonoma
FILE NAME: CDOT – HWY 12, Laguna de Santa Rosa Bridge Replacement Project

BY THE EXECUTIVE OFFICER:

1. On May 30, 2012, 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 (certification) for activities related to the proposed Highway 12 – Laguna de Santa Rosa Project (project). The proposed project would cause disturbances to waters of the United States (U.S.) and waters of the State associated with the Russian River Hydrologic Unit No.1114 (Laguna Hydrologic Sub-Area 114.21). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 14, 2013, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. The proposed project is located in Sonoma County on State Route 12 (SR12) between post miles (PM) 9.2 and 10.0. The purpose of the project is to replace the existing, deteriorating two-lane bridge with a new two-lane bridge built to current design standards. The scope of work includes: demolishing the existing bridge; constructing a new 236-foot-long bridge using two bents, two abutments, and two retaining walls; utility relocation; and resurfacing and widening the bridge approaches. The Project would be divided into utility relocation and bridge construction contracts. The utility relocation phase would occur over a one year

period (approximately July 2013 through October 2013) and the bridge replacement phase would occur over a two-year period (approximately June 2013 through December 2015).

3. Caltrans has determined that the proposed project would result in 0.04 acres of permanent impacts to U.S. wetlands and 70 linear feet (0.01 acres) of permanent impacts to Other Waters of the U.S. (Laguna de Santa Rosa). The proposed project would also permanently impact approximately 0.57 acres (317 linear feet) of riparian vegetation.
4. Caltrans has determined that the proposed project would result in 0.26 acres (11,361 feet²) of temporary impacts to U.S. wetlands, 68 linear feet (0.45 acres, 25,069 feet²) of temporary impacts to Other Waters of the U.S. (Laguna de Santa Rosa), and 21 linear feet (0.004 acres, 160 feet²) of temporary impacts to Other Waters of the U.S. that are tributary to the Laguna de Santa Rosa. The project would also result in approximately 0.80 acres (425 linear feet) of temporary impacts to riparian vegetation.
5. On-site mitigation for temporary impacts to jurisdictional wetlands and waters would include re-vegetation and monitoring of disturbed areas. Mitigation for permanent and temporary wetland impacts would be provided by purchase of 0.5 acres of mitigation bank credits. Off-site mitigation for permanent impacts to riparian habitat would involve restoration of approximately 1.7 acres of riparian habitat in the Laguna de Santa Rosa watershed.
6. Project implementation would result in approximately 0.55 acres of new and 0.26 acres of reworked impervious surface area (0.81 acre treatment obligation). Caltrans has proposed using a vegetated filter strip to treat 0.31 acres of impervious area. Because Caltrans was unable to reduce the filter strip slope and thereby increase treatment performance, a fifty percent treatment credit will be given (0.155 acres). Additionally, because Caltrans cannot provide treatment of impervious area for direct discharges to the Laguna de Santa Rosa, an additional 0.50 acres of stormwater treatment shall be required. Caltrans will off-set the overall treatment deficit of 1.31 acres by using treatment credits from the Caltrans-funded Sonoma County Fairground low impact development (LID) retrofit project. Caltrans currently holds 2.23 acres of treatment credit from the LID retrofit Project and 0.92 acres of treatment credit would remain after applying the treatment credit for this project.
7. The proposed project would be divided into utility relocation and bridge replacement phases. The utility relocation phase would occur over a one year period (approximately July 2013 through October 2013) and the bridge replacement phase would occur over a two-year period (approximately June 2013 through December 2015). The project would result in approximately 3.2 acres of disturbed soil area. Caltrans will prepare a Stormwater Pollution Prevention Plan detailing Best Management Practices to control pollution from the project area during construction. All disturbed areas within the project will be appropriately stabilized and/or replanted with appropriate native vegetation.
8. Caltrans received authorization from the U.S. Army Corps of Engineers on January 11, 2013, to implement the project under Nationwide Permit Nos. 12 (*utility line*

activities) and 14 (*linear transportation projects*) pursuant to Clean Water Act, section 404. Caltrans has also entered into a 1602 Streambed Alteration Agreement with the California Department of Fish and Game. On May 10, 2010, Caltrans, acting as lead agency, certified a Negative Declaration for the proposed project in order to comply with the California Environmental Quality Act (CEQA) (State Clearing House No. 2008012074). The Regional Water Board has considered the environmental documentation, including any proposed changes, and incorporates any avoidance, minimization, and mitigation measures into the project as a condition of approval to avoid significant affects to the environment.

9. The Laguna de Santa Rosa watershed is listed on the Clean Water Act section 303(d) list as impaired for sediment, temperature, nitrogen, phosphorus, indicator bacteria, dissolved oxygen, and mercury. 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 construction areas, and measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL, Basin Plan, and CEQA compliance.
10. 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.”
11. 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 is 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.
12. 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 certification 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.

13. To ensure compliance with 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 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. 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.
14. 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: Laguna de Santa Rosa in Russian River Hydrologic Unit No. 1114

Filled and/or

Excavated Areas: Permanent – streams (Waters of U.S.): 70 linear feet (0.01 acres)
Permanent – wetlands (Waters of U.S.): 0.04 acres
Permanent – riparian areas (Waters of State): 0.57 acres (317 linear feet)

Temporary – streams (Waters of U.S.): 89 linear feet (0.46 acres)
Temporary – wetlands (Waters of U.S.): 0.26 acres
Temporary – riparian Areas (Waters of State): 0.80 acres (425 linear feet)

Dredge Volume : None

Fill Volume : Permanent - 972 cubic yards
Temporary – 2,790 cubic yards

Mitigation proposed: On-site: Restoration of 89 linear feet of jurisdictional waters and 0.26 acres of jurisdictional wetlands

Off-site: 1.7 acres of riparian habitat restoration and purchase of 0.5 acres of wetland mitigation bank credit

Latitude/Longitude: 38.40348 / -122.81616

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Caltrans – Highway 12 Laguna de Santa Rosa Bridge Replacement Project (WDID No. 1B12122WNSO), 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 certification 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 certification 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 certification in the bid contract for this project.
5. Caltrans shall provide a copy of this certification 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. For both the utility relocation and bridge replacement contracts, 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. The notification will 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 certification.
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 violation avoidance and violation reporting procedures. 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 materials (dated May 2012 and October 2012) and the findings and conditions of 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 certification. 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 certification, shall not be allowed to enter into waters of the State. Except for temporary stockpiling of waste generated during demolition operations ("temporary" in this instance means generated and removed during the same working day), waste materials shall not 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. Exceptions to the 150-foot limit may be granted on a case-by-case basis provided Caltrans first submits a proposal in writing that is found acceptable by Regional Water Board staff or the Regional Water Board liaison to Caltrans.

13. Caltrans shall implement a demolition debris containment plan to prevent demolition waste from entering State waters. The strategy may be detailed either in the SWPPP submitted with the Notice of Intent for the bridge construction contract or submitted separately to the Water Board. Demolition shall not commence until the demolition plan has been found acceptable to Water Board staff or the Caltrans liaison to the Regional Water Board.
14. Caltrans shall submit, subject to review and concurrence by the Regional Water Board staff or Caltrans liaison to the Regional Water Board, 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.
15. In-channel work, including removal of stream diversion structures, shall only be conducted between June 15 and October 15; extensions shall not be granted. This certification does not authorize Caltrans to draft surface waters.
16. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be prohibited within waters of the State. Fueling of individual equipment types within waters of the State may be authorized if Caltrans first prepares a fueling plan that:
 - 11) Identifies the specific piece of machinery that may require fueling within waters of the State;
 - 12) Provides justification for the need to refuel within State waters. The justification shall describe why fueling outside of jurisdictional waters is infeasible; and
 - 13) Includes a narrative of specific BMPs that shall be employed to prevent and capture fuel releases.

Fueling of equipment within waters of the State shall be prohibited until the above mentioned plan has been approved by Regional Water Board staff or the Regional Water Board liaison for Caltrans. The fueling plan may be submitted individually, included in the project Storm Water Pollution Prevention Plan (SWPPP), or submitted as a SWPPP amendment.

17. 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.

18. Caltrans shall implement appropriate BMPs to prevent the discharge of equipment fluids to the stream channel. The minimum requirements shall 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; and 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.
19. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any other 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.
20. 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.
21. Concrete shall be excluded from surface water for a period of 30-days after it is poured/sprayed. During that time the concrete shall be kept moist and runoff from the concrete shall not be allowed to enter any water body. Commercial sealants may be applied to the concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is cured. If groundwater comes into contact with fresh concrete, it shall be prevented from flowing towards surface water.
22. 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.
23. 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.

24. Gravel bags used within the Laguna de Santa Rosa shall meet the gravel specifications described below in condition number 25. Gravel bag fabric shall be nonwoven polypropylene geotextile (or comparable polymer) and shall conform to the following requirements:
 - 11) Mass per unit area, grams per square meter, min ASTM Designation: D 5261 – 270
 - 12) Grab tensile strength (25-mm grip), kilonewtons, min. ASTM Designation: D4632* 0.89
 - 13) Ultraviolet stability, percent tensile strength retained after 500 hours, ASTM Designation: D4355, xenon arc lamp method 70 or appropriate test method for specific polymer
 - 14) Gravel bags shall be between 600 mm and 800 mm in length, and between 400 mm and 500 mm in width.
 - 15) 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. 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.
 - 16) Caltrans shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
25. Gravel used in the construction of the temporary Laguna de Santa Rosa access pad shall:
 - 11) Consist of mechanically-rounded and washed, and/or river run gravel obtained from a river or creek bed;
 - 12) Be clean, hard, sound, durable, uniform in quality, and free of disintegrated material, organic matter, or other deleterious substances;
 - 13) Be composed entirely of particles that have no more than one fractured face;
 - 14) Have a cleanliness value of at least 85, using the Cleanliness Value Test Method for California Test No. 227; and
 - 15) Have a diameter no less than 0.75 inches in diameter, and no greater than four inches in diameter.
26. The Laguna de Santa Rosa temporary access pad shall be completely removed on or before October 15. Extensions shall not be granted. Installation or removal of the temporary access pad shall not impact the form or substrate of the Laguna de Santa Rosa. Caltrans shall conduct pre- and post-surveys of the Laguna to ensure that installation or removal of the temporary access pad did not impact the Laguna's form or substrate. If Caltrans finds there was an impact, then the Laguna de Santa Rosa shall be restored to its previous conditions and documentation shall be provided to the Regional Water Board no later than 30 days from completion of the post-construction survey.
27. 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.

- 11) Surface water monitoring shall be conducted whenever a project activity is conducted within waters of the State (e.g. including but not limited to the installation, use or removal of stream diversions, pile installations, and cofferdams). Measurements and observations shall be collected from each sampling location four times daily.
- 12) 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 and turbidity. 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.

28. 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

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.

29. Post Storm Event Reports:

- 11) 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.
 - 12) 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.
30. Grubbing of vegetation shall not occur in areas of temporary impact, as identified in the application materials. Vegetation within these areas shall be cleared to no less than one inch from the soil surface.
 31. To avoid and minimize impacts, temporary access roads shall employ reinforcing fabric and temporary soil confinement systems when placed over jurisdictional wetlands and waters. Applicable road locations and crossing designs shall be consistent with the Water Pollution Control Details included in Attachment A of this certification.
 32. Caltrans shall submit a mitigation and monitoring plan (MMP) to address on-site and off-site mitigation measures for temporary and permanent project impacts to jurisdictional wetlands, waters, and riparian vegetation. Bridge replacement construction shall be prohibited until a MMP has been found acceptable to the Executive Officer. The MMP shall include:
 - 11) A proposal to revegetate and monitor all temporarily impacted jurisdictional waters and riparian areas. The proposal shall include:
 - a. A planting palette, planting plans, and proposed seed mixes;
 - b. Success criteria, including vigor, percent cover, percent invasive cover, and 75% survival of trees at the end of ten years. Final success criteria for wetland restoration may be considered at five years;
 - c. Corrective actions to be taken if mitigation measures do not meet the proposed success criteria;

- d. A plan to re-vegetate all temporarily impacted areas in the first full planting season (November to April) subsequent to the year construction is complete and erosion control is established in the impacted area. Caltrans shall include a plan to stabilize areas above the Laguna de Santa Rosa Ordinary High Water Mark using appropriate native soil-stabilizing species;
 - e. An invasive plant control plan;
 - f. A monitoring period of no less than ten years;
 - g. Photo-documentation; and
 - h. Annual reporting at the end of years 0 (as-built), 1, 3, 5, 7, 9, and 10. Caltrans shall propose report delivery deadlines;
- ii) A proposal to restore no less than 1.7 acres of riparian habitat in the Laguna de Santa Rosa watershed. Caltrans may partner with the Laguna de Santa Rosa Foundation to restore riparian habitat adjacent the north bank of Gravenstein Creek at “The Brown Farm,” or, at an alternative site found acceptable to the California Department of Fish and Wildlife and the Regional Water Board. The proposal shall include:
- a. Mitigation goals;
 - b. A planting palette, planting plans, and proposed seed mixes;
 - c. A plan to implement the mitigation no later than Fall 2014;
 - d. Success criteria;
 - e. An invasive plant control plan;
 - f. Photo-documentation;
 - g. Corrective actions to be taken if mitigation measures do not meet the proposed success criteria;
 - h. A monitoring period of no less than ten years, and
 - i. Annual reporting at the end of years 0 (as-built), 1, 3, 5, 7, 9 and 10. Caltrans shall propose report delivery deadlines.

Project construction shall be prohibited until the MMP has been found acceptable to the Executive Officer. Utility relocation work may commence in advance of MMP acceptance provided specific activities and restoration measures related to the utility relocation activities are first submitted to and found acceptable by Regional Water Board staff or the Caltrans liaison to the Regional Water Board.

- 33. Prior to commencement of bridge construction, Caltrans shall submit confirmation of the purchase of credits equivalent to no less than 0.5 acres of seasonal wetland establishment from a United States Army Corps of Engineers-approved mitigation bank within the appropriate service area.
- 34. Caltrans shall install a compost-amended vegetated filter strip to treat roadway stormwater runoff. The strip shall be no less than 9,821 square feet, have a slope not greater than 25 percent, and be situated adjacent westbound SR12, approximately between post-miles 9.74 and 9.81. The strip shall be entered into the District’s permanent stormwater treatment BMP database and monitored and maintained to ensure BMP efficacy.
- 35. In the event of any violation or threatened violation of the conditions of this certification, 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 certification. 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 certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

36. 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.
37. This certification 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 certification 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 certification to discharge dredged or fill material under this Order. The request must contain the following:
 - 11) requesting entity's full legal name;
 - 12) the state of incorporation, if a corporation;
 - 13) address and phone number of contact person; and
 - 14) a description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
38. 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.

Please contact our staff Environmental Specialist / Caltrans Liaison, Brendan Thompson at (707) 576-2699, or via e-mail, at Brendan.Thompson@waterboards.ca.gov, if you have any questions.

Original Signed By

Matthias St. John
Executive Officer

130207_CDOT_Hwy12_LagunaDeSantaRosa_401Cert

Enclosure: Attachment A – Temporary Construction Access Road Details

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

Original to: Ms. Lilian Acorda, Caltrans, District 4, 111 Grand Ave., Oakland, CA 94612

Copies to: Mr. Cyrus Vafai, Caltrans, District 4, 111 Grand Ave., Oakland, CA 94612

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

California Department of Fish and Game, Bay Delta Region