
North Coast Regional Water Quality Control Board

February 27, 2013

In the Matter of
Water Quality Certification

for

**Sonoma County Department of Transportation and Public Works
Porter Creek Bridge Replacement Project
WDID No. 1B12202WNSO**

APPLICANT: Sonoma County Department of Transportation and Public Works
RECEIVING WATER: Porter Creek
HYDROLOGIC UNIT: Mark West Hydrologic Subarea No. 114.23, Russian River Hydrologic Unit 114.00
COUNTY: Sonoma
FILE NAME: Sonoma County DOT Porter Creek Bridge Replacement

BY THE EXECUTIVE OFFICER:

1. On January 3, 2013, the Sonoma County Department of Transportation and Public Works (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 related to the Sonoma County Department of Transportation and Public Works Porter Creek Bridge Replacement Project (Project). The Project involves the replacement of the existing Porter Creek Road Bridge over Porter Creek with a new, wider bridge, and construction of in-channel habitat enhancements to satisfy public safety and water quality protection improvements. Information describing the project was noticed for public comment on the Regional Water Board's website on February 20, 2012. Under Title 23, California Code of Regulations, Section 3858(a):

"The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the nature of public health and safety associated with this project, the 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period. Work is scheduled to begin Spring 2012 and be completed by June 2014.

2. Project is located near 3120 Porter Creek Road, Santa Rosa, Sonoma County, latitude 38.557019°N, longitude 122.694197°W. The project will cause temporary impacts to approximately 150 linear feet/872 square feet, and 190 linear feet/2,590 square feet, of creek bed and bank and riparian area of Porter Creek, Mark West Hydrologic Subarea No. 114.23, Russian River Hydrologic Unit 114.00.
3. The project includes replacement of the existing Porter Creek Road Bridge over Porter Creek with a new, wider bridge, and construction of in-channel habitat enhancements. The Porter Creek Bridge was constructed in 1948 and does not meet current seismic standards, and could collapse in a large earthquake. The possibility of retrofitting the existing bridge was investigated and designed, however, bridge inspection crews from Caltrans found cracks and fissures in some of the steel beams that help support the bridge. In an emergency action, County maintenance crews have temporarily re-supported the bridge using steel beams. The repair, however, is a temporary measure, and structural engineers from Caltrans and the County have decided that the bridge requires replacement because the damage is too great to allow for a cost-effective permanent repair. The project will also construct safety improvements, including adequate shoulders and a turn lane on the upstream side of the bridge.

The replacement bridge is a single span concrete box girder bridge approximately 160 feet long with one 12 foot wide traffic lane in each direction of travel, a 12 foot wide left-turn channelization lane and two 10 foot wide shoulders. The center left-turn channelization lane would be used for vehicles accelerating onto Porter Creek Road from Franz Valley Road and residential driveways. In total, the traveled width of the bridge will be 56 feet. The bridge will be built in two stages, the first stage consisting of one-lane bridges built upstream and downstream of the existing bridge. The second stage would be to remove the old bridge and construct a fill-in bridge, between the two one-lane bridges to make a single 56 foot wide bridge. It may be possible to construct the bridge within a single dry season, but it is likely that the fill-

in bridge deck would be constructed over the winter season using a platform supported by storm resistant false work if delays are encountered.

4. Compensatory mitigation includes instream habitat enhancements in order to compensate for permanent and temporary impacts associated with the project. The purpose of the enhancements include helping to stabilize the channel and reduce the delivery of sediment, improve rearing and spawning habitat for salmonids with the project reach, provide shelter for salmonids, and increase habitat diversity within the project reach. Additional compensatory mitigation includes planting of approximately 74 native trees and additional understory native species within the riparian area near the bridge.
5. The Applicant has applied for a Lake or Streambed Alteration Agreement, Notification No. 1600-2012-0445-3, from the California Department of Fish and Wildlife. The Applicant has received an US Army Corps of Engineers Clean Water Act Section 404 Permit, File No. 2011-00049N, for Army Nationwide Permits 14-Linear Transportation Projects, and, 27-Aquatic Habitat Restoration, Establishment, and Enhancement Activities, on February 19, 2013.
6. The County of Sonoma, as lead California Environmental Quality Act (CEQA) agency, completed a Mitigated Negative Declaration, December 5, 2006, and filed it with the State Clearinghouse (No. 2006082010), pursuant to CEQA guidelines.
7. 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: Mark West Hydrologic Subarea No. 114.23,
Russian River Hydrologic Unit 114.00.

Filled or Excavated Area: Area Temporarily Impacted: 150 linear feet/872
square feet of stream bed, bank, and riparian zone
Area Permanently Impacted: 190 linear feet/2,590
square feet of stream bed, bank, and riparian zone

Latitude/Longitude: 38.557019°N, 122.694197°W

Expiration: February 27, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Department of Transportation and Public Works

Porter Creek Bridge Replacement Project (WDID No. 1B12202WNSO), 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. The Regional Water Board shall be notified annually and 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. The Russian River is identified as impaired for sediment and temperature under Clean Water Act Section 303(d). At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of the requested Certification, the Regional Water Board may revise the provisions of that Certification to address actions identified in such action plans. Bank erosion is identified as a source contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Activities that will be authorized by this Order are designed to reduce removal of riparian vegetation and reduce sediment discharges from bank erosion. Accordingly, this Order is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.

6. If groundwater is encountered during construction, it will be discharged to an upland location where it cannot flow into Waters of the State. BMPs that may be used include: storage tanks, sediment desilting basins, and water filters. Additionally, BMPs such as the use of washed gravel, sand bags, straw, and/or silt fences will be used as necessary to control velocity of the land discharge and erosion. Groundwater shall not be discharged to waters of the State.
7. 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.”
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.
9. If necessary, Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials 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 the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
10. 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.

11. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
12. 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.
13. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
14. 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.
15. 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).
16. 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.
17. 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.
18. The Applicant shall implement the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
19. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.

20. 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.
21. 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.
22. 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.
23. 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.

24. 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).
25. The authorization of this certification for any dredge and fill activities expires on February 27, 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 Stephen Bargsten at (707) 576-2653.

Original Signed By

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. Levi Gurule, SCDOTPW, 2300 County Center Drive, Suite B100,
Santa Rosa, CA 95403

Copy to: Mr. Rich Stabler, Sonoma County PRMD, 2550 Ventura Ave., Santa Rosa, CA
95403