May 29, 2013

In the Matter of

Water Quality Certification

for the

California Department of Transportation
Highway 128 PM 14.30—49.28 Culvert Rehab 55 Culverts in Mendocino County Project
WDID No. 1B13026WNME
Caltrans EA No.: 01-378161

APPLICANT:	California Department of Transportation
RECEIVING WATERS:	Navarro River and Dry, Rancheria, and Anderson Creeks
HYDROLOGIC UNITS:	Mendocino Coast Hydrologic Area 113.00 and Russian River Hydrologic Area 114.00
COUNTY:	Mendocino
FILE NAME:	CDOT Highway 128 PM 14.30-49.28 Culvert Rehab 55 Culverts in Mendocino County

BY THE EXECUTIVE OFFICER:

1. On February 19, 2013, 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 California Department of Transportation (Caltrans) State Route (SR) 128 Culvert Rehabilitation Project, Phase 2 of 2 (Project).

2. **Hydrologic Units**: The proposed project would cause disturbances to waters of the United States (U.S.) and waters of the State associated with the Mendocino Coast and Russian River Hydrologic Units (Nos. 113 and 114, respectively). Affected hydrologic sub-areas include Navarro River (113.50), Warm Springs (114.24), Ukiah (114.31), and Geyserville (114.25).

3. **Public Notice:** The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 6, 2013, and posted information describing the Project on the Regional Water Board's website. No comments were received.

4. **Project Purpose:** The purpose of the Project is to prevent highway damage due to potential culvert failure and to maintain overall roadway safety.

5. **Project Description:** The proposed Project is located along SR 128 near the towns of Navarro, Boonville, and Yorkville in Mendocino County between post-miles 14.30 and 49.28. The Project would rehabilitate or replace deteriorated drainage systems at 55 locations within jurisdictional waters and wetlands. The existing drainage systems are deteriorating due to corrosion, resulting in scour, transport of sediment, and pavement damage. Additionally, some of the culverts are too short, lack outlet energy dissipation or walls, or are under-sized. Project activities consist primarily of culvert replacements, downdrain installations, placement of concrete slurry and soil backfill, placement of riprap energy dissipation, new outlet and inlet structures, and headwall construction.

   Culverts at 50 of the 55 locations would be installed using conventional cut-and-cover construction. Culverts at post-miles 18.28, 21.80, and 30.97 would be installed using a jacking method.

6. **Related Projects:** This Project is the second portion of the second phase of an overarching project. The first phase was certified by the Regional Water Board on August 29, 2011, and the first portion of phase 1 was certified on February 22, 2012.

7. **Construction Schedule:** Project implementation is expected to last 120 days between June 15, 2013, and October 1, 2014.

8. **Special-Status Species:** Project activities within potential listed steelhead and or coho-bearing streams would occur in Clow Creek (post-mile 21.80), Graveyard Creek (post-mile 27.54), Lost Creek (post-mile 36.63), and John Hiatt Creek (post-mile 39.88). Caltrans shall provide retrofit of culverts for fish passage improvements at all of the above locations.

9. **Permanent Impacts:** Permanent impacts would occur due to the installation of new structures such as culvert extensions, headwalls, wing-walls, flared-end sections, and riprap energy dissipation within jurisdictional waters and wetlands. Caltrans has determined that the proposed Project would result in approximately 0.005 acres of permanent impacts to jurisdictional wetlands and approximately 0.163 acres of permanent impacts (1,001 linear feet) of impacts to jurisdictional waters.

10. **Temporary Impacts:** Temporary impacts would result from stream diversion and dewatering, construction access, staging activities, and in-kind replacement of drainage systems. Caltrans has determined that the proposed Project would result in approximately 0.333 acres of temporary impacts to jurisdictional wetlands and approximately 0.558 acres (6,479 linear feet) of temporary impacts to jurisdictional waters. Because the exact extent of temporary impacts will not be known until construction begins, Caltrans has conservatively over-estimated temporary impacts to encompass the maximum potential temporary impact.

11. **Mitigation for Permanent Impacts to Jurisdictional Waters**: To mitigate for 0.163 acres of permanent impacts to jurisdictional waters, Caltrans shall provide riparian and wetland restoration at three off-site locations:

    a. *Robinson Creek Restoration Phase 3 Project*
    Caltrans has already provided 1.03 acres of riparian restoration on private properties along Robinson Creek in cooperation with the Mendocino County Resource Conservation District. 0.42 acres of this mitigation was used as mitigation for impacts associated with previously-certified SR 128 culvert rehabilitation activities (certifications issued August 29, 2011 and February 22, 2012).

    Since issuance of the February 22, 2012, certification, it has come to the attention of Regional Water Board staff that the Robinson Creek mitigation parcels lack legal agreements to protect the mitigation resources long-term (e.g., conservation easements, deed restrictions). Due to the uncertainty of unprotected mitigation on private properties, this certification does not accept compensatory mitigation from Robinson Creek at the 3:1 mitigation ratios accepted in the previously issued certifications. The entire remaining surplus of 0.61 acres in addition to items b and c, below, shall be required as compensatory mitigation for 0.163 acres of permanent impacts to jurisdictional waters.

    b. *Anderson Valley Elementary School*
    The Anderson Valley Elementary School is located on Conn Creek in the town of Boonville. Creek enhancement at this location involves 0.482 acres of full riparian revegetation and 0.077 acres of riparian revegetation at a "30% level." Revegetation work at this location involves removal of invasive species over a five year period and planting of approximately eighty native trees and shrubs.

    Mitigation at Anderson Valley Elementary School has been proposed as compensation for a 0.766-acre mitigation shortfall in the original Robinson Creek Restoration proposal (approximately 1.8 acres of riparian revegetation was proposed at Robinson Creek). This site also does not have a long-term

resource protection mechanism; however, the mitigation work will be done on public land which leaves a greater likelihood the site would not be disturbed in the future. This certification includes a requirement for compensatory mitigation in the event that mitigation from the Robinson Creek Project or Anderson Valley Elementary School is destroyed (see condition no. 13).

c. 10 Mile Dunes at MacKerricher State Park
Caltrans shall provide 0.16 acres of out-of-kind wetland restoration mitigation at Inglenook Fen in the Ten Mile Dunes Natural Preserve within MacKerricher State Park in Fort Bragg.

12. **Mitigation for Permanent Impacts to Jurisdictional Wetlands**: To mitigate for 0.005 acres of permanent impacts to jurisdictional wetlands, Caltrans shall provide 0.020 acres of wetland restoration mitigation at Inglenook Fen in the Ten Mile Dunes Natural Preserve within MacKerricher State Park in Fort Bragg.

13. **Mitigation for Temporary Impacts:** To mitigate for approximately 0.333 acres of temporary impacts to jurisdictional wetlands and approximately 0.558 acres (6,479 linear feet) of temporary impacts to jurisdictional waters, Caltrans shall re-vegetate all temporarily disturbed areas using native vegetation.

14. **Avoidance and Minimization:** To minimize impacts to aquatic resources, Caltrans shall work in State waters only during the dry season (June to October), work from the roadway whenever feasible, minimize vegetation disturbance to the greatest degree possible, and implement construction-stage pollution prevention best management practices (BMPs).

15. **Post-Construction Stormwater Treatment:** Project implementation would not result in an increase in impervious surface area or more than 5,000 square feet of impervious area replacement. Post-construction stormwater treatment is not required for the Project.

16. **Utility Relocations:** Utility relocations are not needed for this project.

17. **Other Agency Actions:** Caltrans received a Regional General Permit (File Number 2009-00447N) from the U.S. Army Corps of Engineers to implement the Project pursuant to Clean Water Act, section 404. Caltrans filed for a 1602 Streambed Alteration Agreement with the California Department of Fish and Wildlife in February 2013. Caltrans received a Biological Opinion (AFWO-10B0003-10F0090) from the National Marine Fisheries Service (NMFS) on January 4, 2005, that determined the Project is not likely to adversely affect listed salmonids.

18. **CEQA Compliance:** On June 14, 2005, Caltrans certified a Negative Declaration (State Clearinghouse No. 2005042089) for the Project in order to comply with the California Environmental Quality Act (CEQA). 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.

19. **TMDLs.** The Navarro River watershed is listed on the Clean Water Act Section 303(d) list as impaired for sediment and temperature. In December 2000, the U.S. EPA established sediment and temperature Total Maximum Daily Loads (TMDLs) for the Navarro River watershed. The Russian River watershed is also listed on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature.

    Roads are a significant source of sediment in watersheds (directly, from surface erosion, or indirectly by destabilizing hillsides). In addition, activities that impact stream beds, banks, and floodplains and reduce riparian vegetation are identified as contributors to increased stream temperatures. Such projects may involve removal of vegetation and/or channel alteration and have the potential to increase sediment loads. Measures to reduce sediment discharges from roads to surface waters as well as measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL compliance. Accordingly, this Order is consistent with, and implements portions of the Navarro and Russian River TMDLs.

20. 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."

21. 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.

22. **Antidegradation Policy:** The federal antidegradation policy requires that State water quality standards include an antidegradation policy consistent with federal policy. The State Water Resources Control 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.

23. 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 Dry Creek, Rancheria Creek, Anderson Creek, and Navarro River Russian River Hydrologic Unit No. 114.00 Ukiah Hydrologic Sub-Area 114.31 Geyserville Hydrologic Sub-Area 114.25 Mendocino Coast Hydrologic Unit No. 113.00 Navarro River Hydrologic Area 113.50	
Filled and/or Excavated Areas:	Permanent – State waters	1,001 linear feet (0.163 acres)
	Permanent – wetlands	0.005 acres
	Temporary – State waters	6,479 linear feet (0.558 acres)
	Temporary – wetlands	0.333 acres
Dredge Volume:	none	
Fill Volume:	Permanent – 1,561 cubic yards	
Mitigation proposed:	On-site: - Fish passage improvements at four culvert locations; and - Re-vegetation of all disturbed areas. Off-site: - 0.61 acres of riparian revegetation on Robinson Creek; - 0.482 acres of riparian revegetation on Conn Creek; - 0.077 acres partial riparian revegetation on Conn Creek; and - 0.18 acres of wetland restoration at MacKerricher State Park.	
Latitude/Longitude:	~ 38.0068 / -123.4435	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Highway 128 Post Miles 14.30—49.28 55 Culverts Rehabilitation Project, as described in the application received February 19, 2013, 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.

Monitoring and Reporting Conditions for Work at Post-Miles 21.80, 27.54, 36.63, and 39.88

1. 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 to State waters.

    A. 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.

    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 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.

2. 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 and Reporting Conditions for
Work at Post-Miles 21.80, 27.54, 36.63, and 39.88 (continued)

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.

3. 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.

Project-Specific Conditions Requiring Reports

4. Caltrans shall submit, subject to review and concurrence by Regional Water Board staff, a dewatering and/or diversion plan that appropriately describes 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.

5. Prior to Project construction, Caltrans shall submit a riparian revegetation mitigation plan for work at Anderson Valley Elementary School (AVES Plan). The AVES Plan shall include a planting plan, planting palette, success and monitoring criteria, invasive species control plan, and a proposal for submittal of annual reports to the Regional Water Board. The AVES Plan shall be first found acceptable to Regional Water Board staff before Project construction may commence.

6. Caltrans shall perform off-site mitigation as proposed in the Caltrans-prepared *Seaside Beach Roadside Repair (EA 47490) Anchor Bay Drainage Repair (EA 44650) and SR 128/253 Culvert Rehabilitation (EA 37812, 37813, 37814, 37816, 37817) and Men 20 Left Turn and Shoulder Widening (EA 29200) Off-Site Wetland Mitigation at California State Parks Inglenook Fen – Ten Mile Dunes Natural Preserve*, *Mitigation and Monitoring Plan,* dated April 2013.

7. Caltrans shall submit an on-site re-vegetation plan (Plan) to address on-site mitigation measures for permanent and temporary Project impacts to jurisdictional waters and riparian vegetation. The Plan shall be submitted not later than September 1, 2013.

8. The Regional Water Board shall be notified in writing (e-mail is acceptable) at least five working days prior to commencement of:
    i) Ground disturbing activities for each construction season; and
    ii) Water diversion installations.

Project-Specific Conditions

9. The jacking method shall be used to install culverts only at post-mile locations 18.28, 21.80, and 30.97.

10. Caltrans shall implement the mitigation described above in finding numbers 11, 12, and 13 (pages 3 and 4). Off-site mitigation shall be completed prior to Project completion. On-site re-vegetation shall be completed no later than during the first wet

Project-Specific Conditions (continued)

season following the completion of construction within the respective impacted area.

11. Caltrans shall provide fish passage improvements at the four locations listed in certification finding number 8 (page 2).

12. In-stream work, including removal of stream diversion structures, and work on the banks of perennial anadromous fish-bearing streams shall only be conducted between June 15 and October 15; extensions shall not be considered except in emergency situations.

13. Caltrans shall propose compensatory mitigation to the Water Board in the event that any portion of the riparian revegetation mitigation at Robinson Creek or the Anderson Valley Elementary School is destroyed. The compensatory mitigation proposal shall be subject to the review and acceptance of the Executive Officer. The mitigation shall include a long-term resource protection mechanism. Because the mitigation would be protected long-term, the level of mitigation required may be less in acreage than that destroyed at Robinson Creek and/or Anderson Valley Elementary School.

14. Gravel bags used within State waters shall meet the gravel specifications described below in condition number 15. Gravel bag fabric shall be non-woven polypropylene geotextile (or comparable polymer) and shall conform to the following requirements:

    i) Mass per unit area, grams per square meter, min ASTM Designation: D 5261 — 270;
    ii) Grab tensile strength (25-mm grip), kilonewtons, min. ASTM Designation: D4632* 0.89;
    iii) Ultraviolet stability, percent tensile strength retained after 500 hours, ASTM designation: D4355, xenon arc lamp method 70 or appropriate test method for specific polymer;
    iv) Gravel bags shall be between 600 mm and 800 mm in length and between 400 mm and 500 mm in width; and
    v) 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.

    Caltrans shall first request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

15. Gravel used in State waters shall:
    i) Consist of mechanically-rounded and washed, and/or river run gravel obtained from a river or creek bed;

Project-Specific Conditions (continued)

ii) Be clean, hard, sound, durable, uniform in quality, and free of disintegrated material, organic matter, and deleterious substances;

iii) Be composed entirely of particles that have no more than one fractured face;

iv) Have a cleanliness value of at least 85, using the Cleanness Value Test Method for California Test No. 227; and

v) Have a diameter no less than 0.75 inches in diameter, and no greater than four inches in diameter.

Standard Conditions

16. 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 Regional Water Board staff for review, consideration, and concurrence.

17. All activities and best management practices (BMPs) shall be implemented according to the submitted application materials (dated February 2013) and the findings and conditions of this certification.

18. All conditions required by this Order shall be included in the Contract Documents 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.

19. This Order does not authorize drafting of surface waters.

20. Construction 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. All BMPs shall be installed and used in accordance with the manufacturer's specifications. If Caltrans elects to install alternative BMPs for use on the Project, then Caltrans shall first submit a proposal to Regional Water Board staff for review and acceptance.

21. 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 or the Caltrans statewide stormwater permit (99-06-DWQ), shall not be allowed to enter into waters of the State.

    Except for temporary stockpiling of waste generated during demolition operations

Standard Conditions (continued)

("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.

22. 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 the 2006 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. Asphalt-concrete grindings shall not be placed in any location where it may, at any time, be directly exposed to storm or ground waters, except asphalt-concrete grinding may be re-used and incorporated into impervious asphalt mixes.

24. 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. At no time shall Caltrans use any vehicle or equipment which leaks any substance that may impact water quality.

25. 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.

26. 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 necessary, then Caltrans shall use a method of water disposal other than disposal to surface waters, such as land disposal. Groundwater disposed of to land shall not enter State waters. Alternatively, Caltrans may apply for coverage under the Low Threat Discharge Permit or an individual National Pollutant Discharge Elimination System (NPDES) Permit. If Caltrans applies for coverage under

Standard Conditions (continued)

either of these permits, then discharge is prohibited until Caltrans has received notification of coverage under the respective permit.

27. 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:
    - i) Identifies the specific piece of machinery that may require fueling within waters of the State;
    - ii) Provides justification for the need to refuel within State waters. The justification shall describe why fueling outside of jurisdictional waters is infeasible; and
    - iii) 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 fueling plan has been approved by Regional Water Board staff. The fueling plan may be submitted individually, included in the project Storm Water Pollution Prevention Plan (SWPPP), or submitted as a SWPPP amendment. If the fueling plan is included in the Notice of Intent package for coverage under the statewide construction general stormwater permit, then acceptance of the NOI does not constitute Regional Water Board staff acceptance of the fueling plan.

28. 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.

29. The Resident Engineer (or appropriately authorized agent) shall hold water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on violation avoidance and violation reporting procedures. Meetings shall be held on-site unless an on-site meeting is impracticable and not needed to effectively communicate the details of permit compliance. 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.

30. Caltrans shall implement appropriate BMPs to prevent the discharge of equipment

Standard Conditions (continued)

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 not using 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. Fluids and waste by-products generated by equipment washing and cleaning shall not enter State waters.

31. If an unauthorized discharge to surface waters (including wetlands, rivers or streams) occurs, or any other threat to water quality arises as a result of Project implementation, the associated Project activities shall cease immediately until the threat to water quality is otherwise abated. If there is a discharge to State waters, the Regional Water Board shall be notified no more than 24 hours after the discharge occurs.

32. 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.

33. 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.

34. 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.

35. 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. The Regional Water Board received $40,000 from Caltrans on February 19, 2013.

36. This certification action is not intended and shall not be construed to apply to any

Standard Conditions (continued)

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.

37. 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.

38. 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.

39. 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:
    i) requesting entity's full legal name;
    ii) the state of incorporation, if a corporation;
    iii) address and phone number of contact person; and
    iv) 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.

40. Except as may be modified by any preceding conditions, all certification actions are

Standard Conditions (continued)

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.

41. The authorization of this certification for any dredge and fill activities expires on November 5, 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.

Conditions 4—8 of this certification include requirements for information and reports. Any requirement for a report made as a condition to this action is a formal requirement pursuant to CWC section 13267, and failure or refusal to provide, or falsification of such required report is subject to civil liability as described in California Water Code, Section 13268.

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.

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 David Leland For

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Matthias St. John
Executive Officer

130529_CDOT_Hwy128_CulvertRehabPhase2of2_401Cert

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: Mr. Sebastian Cohen, Caltrans, District 1, 1656 Union St., Eureka, CA 95501

Copy to: Mr. Jim McIntosh, Caltrans, District 1, 1656 Union St., Eureka, CA 95501

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

California Department of Fish and Game, Bay Delta Region

State Water Resources Control Board

Environmental Protection Agency, Region IX