
North Coast Regional Water Quality Control Board

May 31, 2013

In the Matter of

Water Quality Certification

for the

California Department of Transportation
State Route 197/199, Safe STAA Access Project, Patrick Creek Narrows 1, 2, and 3
(Caltrans EA No. 01-479400)
WDID No. 1A13042WNDN
Caltrans EA No.: 01-479400

APPLICANT: California Department of Transportation
RECEIVING WATER: Smith River Middle Fork
HYDROLOGIC AREA: Smith River Hydrologic Unit No. 103.00
COUNTY: Del Norte
FILE NAME: CDOT – Highway 199/197 Safe STAA Improvement Project
Patrick Creek 1, 2, & 3

BY THE EXECUTIVE OFFICER:

1. On April 15, 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 State Route 197/199 Safe Surface Transportation Assistance Act (STAA) Access Project, Patrick Creek Narrows 1, 2, and 3 (Project).
2. **Hydrologic Unit:** The proposed Project would cause disturbances to waters of the United States (U.S.) and waters of the State associated with the Smith River Hydrologic Unit No. 103.00 (Middle Fork Smith River Sub-Area 103.30).

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 Description:** The proposed Project is located in Del Norte County on State Route 199 at three locations between approximate post miles (PM) 20.57 and 25.73. This project is referred to as "Patrick Creek Narrows" and is one of four projects within a larger project to improve safety conditions for large trucks and other vehicles on State Routes 197 and 199 through Del Norte County.

Project activities would be performed at three discrete locations:

- **Location 1**—post miles 20.57-20.62

Work at this location includes:

- Widening the roadway to accommodate two 12-foot-wide lanes and 4-foot-wide shoulders on either side of the road, reconstructing the existing drainage ditch adjacent the bank of the existing cut slope, and grinding the existing asphalt-concrete to match the new superelevation;
- Constructing an approximately 190-foot-long, 5-foot-tall soldier pile retaining wall above the rock-armored bank of the Middle Fork Smith River between post-miles 20.54 and 20.57; and
- Replacing three drainage systems at post-miles 20.57, 20.58, and 20.62. These drainage systems carry seasonal channel flow in non-fish-bearing streams. Work at these three drainage systems includes:
 - At post-mile 20.57, a new drainage inlet would be installed and an 18-inch diameter, 44-foot-long culvert would be replaced with a 24-inch, 48-foot long culvert;
 - At post-mile 20.58, a new drainage inlet would be installed and an 18-inch diameter, 50-foot-long culvert would be replaced with a 24-inch, 57-foot long culvert; and
 - At post-mile 20.62, a headwall would be removed, a flared end section would be installed, and a 24-inch diameter, 62-foot-long culvert would be replaced with a 24-inch, 64-foot long culvert.

- **Location 2**—post miles 23.95-24.06

Work at this location includes:

- Replacement of the existing concrete arch bridge over the Smith River Middle Fork. The existing bridge was constructed in 1925, is overly narrow at 24-feet in width, and has exceeded its design life. Construction of the bridge would require a sidehill viaduct approach downstream of the bridge and retaining wall;
- Widening the roadway to accommodate two 12-foot-wide lanes and 4-foot-wide shoulders on either side of the road. To accommodate widening at the westernmost extent of the project location, approximately 3,000 cubic yards would be excavated from the existing rock cut slope. Proposed excavation options include use of a hoe ram, rock splitter, or controlled blasting;
- Constructing an approximately 190-foot-long, 5-foot-tall soldier pile retaining wall above the rock-armored bank of the Smith River Middle Fork at post-mile 23.9; and
- Relocation the existing drainage system at post-mile 24.07 to post-mile 23.95 to accommodate a change in roadway elevation. A traction sand trap would be added at the inlet of the new culvert.

- **Location 3**—post miles 25.55-25.73

Work at this location includes:

- Widening the roadway to accommodate two 12-foot-wide lanes and 4 to 8-foot wide shoulders on either side of the road. To accommodate widening, an approximately 180-foot-long drilled foundation soldier pile retaining wall is proposed. The wall excavation would be approximately 100 feet upslope from the Smith River Middle Fork bankfull elevation;
- Installation of an open-graded asphalt concrete road overlay;
- Placement of shoulder backing;
- At PM 25.55, replacement of an existing headwall and 18-inch diameter by 54-foot corrugated steel pipe culvert with a new drainage inlet and 24-inch diameter by 53-foot long culvert;
- At PM 25.55, installation of a traction sand trap;
- At PM 25.55, replacement of an 18-inch by 82-foot-long downdrain with a 24-inch by 80-foot downdrain;
- At PM 25.61, removal of the existing headwall and installation of a new drainage inlet to connect with the existing 18-inch culvert;

- At PM 25.69, removal of the existing headwall and 18-inch by 91-foot long corrugated steel culvert. Installation of a new drainage inlet, 24-inch by 91-foot-long culvert, and 84 square feet of riprap. The outlet is ten feet from the live channel of the Smith River Middle Fork; and
 - Abandonment of the existing overside drain at PM 25.73.
5. **Construction Duration:** Work at location 1 is expected to last 90-100 working days during one construction season. Location 2 construction is expected to take 360 working days and three construction seasons. Construction of Location 3 activities would last approximately 50 to 70 working days during one construction season.
 6. **Permanent Impacts:** Caltrans has determined that the proposed Project would result in approximately 0.01 acres of permanent impacts to jurisdictional waters. The proposed Project would also permanently impact approximately 0.15 acres of riparian vegetation.
 7. **Temporary Impacts:** Caltrans has determined that the proposed Project would result in approximately 0.01 acres of temporary impacts to jurisdictional waters and approximately 0.02 acres of temporary impacts to riparian vegetation.
 8. **Mitigation for Permanent Impacts:** On-site mitigation for permanent impacts to riparian vegetation would include establishing vegetation within the former footprint of the removed bridge approaches. Caltrans shall also ensure implementation of 10 years of invasive plant removal in the Smith River Middle Fork watershed, in agreement with the United States Forest Service.
 9. **Mitigation for Temporary Impacts:** On-site mitigation for temporary impacts to riparian vegetation would include re-vegetating all disturbed riparian areas.
 10. **Post-Construction Stormwater Treatment:** Project implementation at locations 1, 2, and 3 would result in approximately 0.49 acres (0.22, 0.22, and 0.05 acres from Locations 1, 2, and 3, respectively) of new and approximately 1.8 acres of replaced impervious surface area. Caltrans shall install three vegetated filter strips and two traction sand traps to treat stormwater runoff from 0.31 acres of impervious area. Below is a summary of the five treatment devices.

Treatment Type	Post-Mile(s), approximate	Northbound/Southbound	Length (linear feet)	Impervious Area Treated (acres)
Traction Sand Trap	23.95	southbound	--	1.06
Traction Sand Trap	25.55	southbound	--	
Vegetated Filter Strip	24.10-24.17	southbound	166	0.27
Vegetated Filter Strip	24.174-24.252	southbound	417	0.25
Vegetated Filter Strip	24.205-24.262	northbound	308	0.18
<i>total:</i>				1.76

11. **Disturbed Soil Area:** Project implementation at locations 1, 2, and 3 would result in approximately 0.44 acres of disturbed soil area. Caltrans shall 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 area shall be appropriately stabilized and/or replanted with appropriate native vegetation.
12. **Utility Relocations:** Utility relocations are not needed for this project.
13. **Other Agency Actions:** Caltrans is seeking authorization from the U.S. Army Corps of Engineers to implement the project under Nationwide Permit No. 14 (*linear transportation projects*) pursuant to Clean Water Act, section 404. Caltrans applied for a 1602 Streambed Alteration Agreement with the California Department of Fish and Wildlife on February 2, 2013. Caltrans received a Biological Opinion (AFWO-10B0003-10F0090) from the U.S. Fish and Wildlife Service on September 13, 2012. Informal consultation with the National Marine Fisheries Service (NMFS) was completed in 2012. NMFS determined that the project may affect, but is not likely to adversely affect Southern Oregon and Northern California Coast coho salmon or their critical habitat.
14. **CEQA Compliance:** On April 9, 2013, Caltrans, acting as lead agency, certified an Environmental Impact Report for the proposed project in order to comply with the California Environmental Quality Act (CEQA) (State Clearing House No. 2008082128). 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.
15. **Antidegradation Policy:** 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.
16. 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 Water:	Middle Fork Smith River in Smith River Hydrologic Unit No. 103.00	
Filled and/or Excavated Areas:	Permanent – jurisdictional waters	193 ft ² (0.004 acres, 40 linear feet)
	Temporary – jurisdictional waters	572 ft ² (0.013 acres, 408 linear feet)
	Permanent – riparian habitat	6,302 ft ² (0.15 acres)
	Temporary – riparian habitat	850 ft ² (0.02 acres)
Dredge Volume:	none	
Fill Volume:	Permanent – 30.4 cubic yards	
Mitigation proposed:	<p>On-site: 0.2 acres of riparian revegetation, re-vegetation of disturbed riparian areas.</p> <p>Off-site: 10 years of Smith River Middle Fork watershed invasive plant removal in agreement with the United States Forest Service</p>	
Latitude/Longitude:	41.8675 / -123.8349	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the State Route 197/199 STAA Access Project, Patrick Creek Narrows 1, 2, and 3 (WDID No. 1A13042WNDN), 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.

Monitoring and Reporting Conditions

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 or Project activity location in State waters.
 - i) 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.

Monitoring and Reporting Conditions (continued)

- ii) 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.

The above surface water monitoring requirements are not required if the water of the State is naturally dry (e.g., a dewatered channel is not naturally dry and would still be subject to surface water monitoring upstream and downstream of the diverted portion).

- 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 Best Management Practices (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.

- 3. Post Storm Event Reports:

Monitoring and Reporting Conditions (continued)

- 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 and shall first be found acceptable by Water Board Staff before implementation of diversion and/or dewatering. 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. Not later than June 30, 2014, Caltrans shall implement an interagency agreement with the United States Forest Service to allow for collaboration on a 10-year invasive weed control program in the Smith River Middle Fork watershed. Caltrans shall submit an invasive weed removal plan detailing the scope of invasive removal that shall be conducted as a result of Caltrans's efforts. The invasive removal plan shall include, but not be limited to:
 - i) An inventory of the exact invasive plant removal locations and targeted weed species;

Project-Specific Conditions Requiring Reports (continued)

- ii) Removal methodologies; and
- iii) Monitoring and reporting measures.

Project construction shall be prohibited until this invasive removal plan has been submitted to, and found acceptable by Regional Water Board staff.

6. In-channel work, including removal of stream diversion structures, shall only be conducted between June 15 and October 15; extensions shall not be considered except in emergency situations.
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 include a planting plan, planting palette, implementation schedule, invasive species control plan, proposed success criteria, and a proposed reporting schedule to the Regional Water Board. Project construction shall be prohibited until the Plan has been found acceptable to Regional Water Board Staff.
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. Caltrans shall install three compost-amended vegetated filter strips to treat roadway stormwater runoff from no less than 0.7 acres of impervious surface. The strips shall be installed consistent with the information in finding number 10 on page 4 of this certification. The strips shall be entered into the District's permanent stormwater treatment BMP database and monitored and maintained to ensure BMP infiltration efficacy.

Caltrans shall also install two traction sand traps to treat roadway runoff from no less than 1.06 acres of impervious area. The traction sand traps shall be installed consistent with the information in finding number 10 on page 4 of this certification.

10. Gravel bags used below the Smith River Middle Fork top-of-bank shall meet the gravel specifications described below in condition number 10. 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;

Project-Specific Conditions (continued)

- 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.

11. Gravel used below the Middle Fork Smith River top-of-bank shall:

- i) Consist of mechanically-rounded and washed, and/or river run gravel obtained from a river or creek bed;
- 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 Cleanliness 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.

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- 12. 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.
- 13. All activities and BMPs shall be implemented according to the submitted application materials (dated April 2013) and the findings and conditions of this certification.
- 14. 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.
- 15. Construction BMPs shall be implemented in accordance with the Caltrans Construction Site Best Management Practice Manual (CCSBMPM) and all contractors

Standard Conditions (continued)

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, Caltrans shall first submit a proposal to Regional Water Board staff for review and acceptance.

16. 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 ("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.

17. 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 its Project.
18. 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.
19. 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.
20. Caltrans shall prioritize the use of wildlife-friendly biodegradable (not photo-

Standard Conditions (continued)

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.

21. 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 either of these permits, then discharge is prohibited until Caltrans has received notification of coverage under the respective permit.
22. 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.

23. This Order does not authorize drafting of surface waters.
24. 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

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- remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor or subcontractors.
25. 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 Regional Water Board staff on request.
 26. 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 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.
 27. 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.
 28. 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 first require written approval from Regional Water Board staff.
 29. 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

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- 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.
30. 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.
 31. 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 \$13,764 from Caltrans on April 15, 2013.
 32. 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.
 33. 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.
 34. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section

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13330 and title 23, California Code of Regulations, section 3867.

35. 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.
36. 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.
37. 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 include requirements for information and reports. Any requirement for a report made as a condition to this certification is a formal requirement pursuant to California Water Code 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.

Matthias St. John
Executive Officer

130531_CDOT_Hwy197_PatrickNarrows_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. Kevin Church, Caltrans, District 1, 1656 Union Street, Eureka, CA 95501

Copy to: Ms. Gail Popham, Caltrans, District 1, 1656 Union Street, Eureka, CA 95501

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

California Department of Fish and Wildlife