
North Coast Regional Water Quality Control Board

June 26, 2013

In the Matter of
Water Quality Certification
for the
California Department of Transportation
Highway 128 Smoot Sink Storm Damage Repair Project
WDID No. 1B12174WNME
Caltrans EA No.: 01-47660

APPLICANT: California Department of Transportation
RECEIVING WATERS: Rancheria Creek
HYDROLOGIC UNIT: Mendocino Coast Hydrologic Area, Navarro River Hydrologic Sub-Area
COUNTY: Mendocino
FILE NAME: Caltrans Hwy 128 Smoot Sink Storm Damage Repair Project

BY THE EXECUTIVE OFFICER:

1. On September 7, 2012, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation (Caltrans) requesting Federal Clean Water Act (CWA) section 401, Water Quality Certification (certification) for activities related to the California Department of Transportation (Caltrans) State Route (SR) 128 Smoot Sink Drainage Repair Project, (Project). Additional information was submitted by Caltrans on May 13, 2013, as requested by the Regional Water Board.
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 Hydrologic Unit (No. 113.00) The affected hydrologic sub-area is the Navarro River (Hydrologic Sub-Area No. 113.50).

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 28, 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 protect State Route 128 at post-mile 35.5 by stabilizing the existing hillside below the roadway and improving drainage.
5. **Project Description:** Proposed slide stabilization activities include construction of five soil-stressing anchor walls along different contours downslope of SR 128 as well as construction of a 30-foot-high, 15-foot-deep, 180-foot-long rock buttress at the toe of the slide above Rancheria Creek. After the anchor walls are installed and loaded, the rock buttress will be constructed along and above the ordinary high water mark (OHWM) of Rancheria Creek.

Vertical and horizontal roadway alignments will be reconstructed to improve geometrics.

There are three intermittent channels that cross the Project area before draining to Rancheria Creek. For purposes of this certification, they are herein referred to channels “A,” “B,” and “C,” from north to south, respectively. 18-inch culverts will be replaced with 24-inch culverts and inlet and outlet drainage improvements will be performed within all three channels where they cross beneath SR 128.

6. **Construction Schedule:** Project implementation is expected to last two construction seasons and commence in 2014. Slide stabilization will occur during the first construction season and roadway realignment will occur during the second construction season. On-site mitigation shall commence in fall 2015.
7. **Permanent Impacts:** The following permanent impacts will occur as a result of Project implementation:

| Impacted Feature | Reason for Permanent Impact | Approximate Dimensions of Permanent Impact |
|---|-------------------------------------|---|
| State water “A” | Energy-dissipating riprap at outlet | 0.012 acres (59 linear feet) |
| State water “C” | Culvert extension at outlet | 0.0006 acres (24 ft ²) (6 linear feet) |
| Two riparian trees and potential riparian area above Rancheria Creek OHWM | Construction of rock buttress | 0.22 acres (180 linear feet) |

8. Temporary Impacts: The following temporary impacts will occur as a result of Project implementation:

| Impacted Feature | Reason for Temporary Impact | Approximate Dimensions of Temporary Impact |
|------------------|--|--|
| State water "A" | Placement of energy-dissipating biodegradable coconut fiber blanket and minor channel re-grading | 0.019 acres (132 linear feet) |
| State water "B" | | 0.004 acres (44 linear feet) |
| State water "C" | | 0.005 acres (36 linear feet) |
| Rancheria Creek | Placement of sump pump at OHWM | 0.003 acres |

9. Mitigation for Temporary and Permanent Impacts: To mitigate for temporary and permanent impacts to jurisdictional waters, Caltrans shall restore 0.33 acres (440 linear feet) of State waters on-site as well as establish approximately 180 linear feet (0.07 acres) or riparian vegetation along the upper length of the new rock buttress. 0.05 and 0.28 acres of restoration shall occur at channels A and B, respectively.

All restoration work involves planting of tree and shrub species native to the Project area. Restoration at channel B includes headcut abatement and pulling back the southern creek bank within an incised portion of the channel above the existing headcut.

10. Avoidance and Minimization: Caltrans is avoiding and minimizing potential impacts to jurisdictional waters by:

- a. Using biodegradable coconut fiber mats in-lieu of rock-energy dissipation within the three intermittent channels;
- b. Restricting grading and in-water activities to between June 1 and October 15; and
- c. Trimming and not removing vegetation wherever possible.

11. Post-Construction Stormwater Treatment: Caltrans shall provide an approximately 1,000 foot-long by 15-foot-wide biofiltration strip alongside the eastbound lane to treat impervious surface from no less than 0.72 acres.

12. Utility Relocations: Utility relocations are not needed for this project.

13. Other Agency Actions: Caltrans applied to the U.S. Army Corps of Engineers for coverage under Nationwide Permit No. 14 (*linear transportation projects*), pursuant to Clean Water Act, section 404. Caltrans received a 1602 Streambed Alteration

Agreement from the California Department of Fish and Wildlife on January 31, 2013. Caltrans received an informal consultation letter (2011/03132) from the National Marine Fisheries Service dated July 19, 2011, concurring that Project implementation would be unlikely to adversely affect threatened Northern California steelhead and California Central Coast coho salmon.

14. **CEQA Compliance:** On June September 16, 2011, Caltrans certified a Mitigated Negative Declaration (State Clearinghouse No. 2011042011) for the Project to comply with the California Environmental Quality Act (CEQA). The Regional Water Board has considered the environmental documentation, including any proposed changes, and has incorporated avoidance, minimization, and mitigation measures into the certification to avoid significant effects to State waters.
15. **TMDL:** The Project area drains to Rancheria Creek, a tributary of the Navarro River. 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.

Roads are a significant source of sediment in watersheds (directly, from surface erosion, or indirectly by destabilizing hillsides). Activities that impact stream beds, banks, floodplains, and riparian vegetation contribute to increased stream temperatures 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 River TMDL.

16. 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.”
17. 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.

18. 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.

19. 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: | Rancheria Creek and intermittent tributaries thereof Navarro River Hydrologic Area 113.50 | |
| Filled and/or Excavated Areas: | Permanent – State waters | 65 linear feet (0.013 acres) |
| | Temporary – State waters | 212 linear feet (0.031 acres) |
| | Permanent – State riparian | 0.22 acres (180 linear feet) |
| Dredge Volume: | none | |
| Fill Volume: | Permanent – 53 cubic yards to State waters | |
| | Permanent – 2,800 cubic yards to State riparian | |
| Mitigation proposed: | On-site: - 180 linear feet (0.07 acres) riparian vegetation establishment - 0.33 acres (440 linear feet) of riparian restoration | |
| Latitude/Longitude: | ~ 38.93462 / -123.30854 | |

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Highway 128 Smoot Sink Storm Damage Repair Project, as described in the application received September 7, 2012, and as revised May 10, 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.

Project-Specific Conditions Requiring Reports (continued)

1. Project construction shall be prohibited until an on-site Mitigation and Monitoring Plan (MMP) has been submitted to and found acceptable by the Executive Officer. The MMP shall include:
 - i) A proposal to restore 0.33 acres of jurisdictional waters along channels A and B. Caltrans shall restore 0.05 acres (100 linear feet) of channel A and 0.27 acres (340 linear feet) of channel B;
 - ii) A proposal to establish 180 linear feet of riparian vegetation along the upper length of the rock buttress;
 - iii) A proposal to stabilize the longitudinal profile of channel B using biotechnical stabilization techniques. The proposal shall include at least 95% ready plans. The proposal shall incorporate use of appropriately-sized rootwad or tree trunk revetments obtained from trees removed during Project construction. The proposal shall also include a longitudinal profile of the channel pre-restoration and proposed post-restoration;
 - iv) A discussion, justification, and project plans for any proposed change in grade or channel morphology within the mitigation areas;
 - v) A proposal to pull-back the existing vertical slopes between the existing head-cut and the existing culvert outlet;
 - vi) An implementation schedule;
 - vii) An invasive species control plan;
 - viii) Planting plans for all proposed plantings;
 - ix) A proposal to monitor morphological creek stability and vegetation success for no less than 10 years;
 - x) An adaptive management plan;
 - xi) A proposal to submit years 1-5, 7, 9, and 10 annual reports no later than January 31 following the respective monitoring year.
2. 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.
3. 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

Project-Specific Conditions Requiring Reports (continued)

Regional Water Board shall be notified no more than 24 hours after the discharge occurs. This 24-hour reporting requirement is more stringent than, and supersedes the notification requirements of both the Caltrans statewide stormwater permit (99-06-DWQ) and the statewide Construction General Permit (CGP) (SWRCB Order 2009-009 DWQ).

4. Work within State waters and grading activities shall be prohibited between October 15 and June 1;
5. The Project area is geologically unstable and is situated directly above Rancheria Creek, which is tributary to the Navarro River, both sediment-impaired water bodies. Because of this, Caltrans shall prepare a Wet Season Construction Site Stabilization Plan (Stabilization Plan). The Stabilization Plan shall be submitted to the Regional Water Board no later than September 1st, 2014, and shall be subject to the acceptance of Regional Water Board staff. The Stabilization Plan shall include:
 - i) A work schedule for all remaining 2014 construction activities including Best Management Practices (BMP) implementation. The schedule shall include a commitment to have the site fully stabilized no later than October 15;
 - ii) A narrative describing Caltrans's approach to site stabilization that considers the unique site conditions. Provide specific erosion, sediment, and pollution prevention control BMPs and strategies that shall be implemented; and
 - iii) A summary of the qualifications and experience of the person, or persons who prepared the Stabilization Plan.

The above required information is information required in the contents of a project Storm Water Pollution Prevention Plan (SWPPP). This condition requires a level of Regional Water Board staff review that is typically absent during the SWPPP development process.

Project-Specific Conditions

6. Caltrans shall install an approximately 1,000-foot-long, 15,000 ft² biofiltration strip between post-miles 34.99 and 35.18 (stations 16+75 to 26+75), to treat no less than 0.72 acres of impervious area. The biofiltration strip shall be maintained to retain treatment efficacy for the life of the BMP.
7. Heavy equipment shall not be operated below the OHWM of Rancheria Creek. Excavation, rock placement, keying-in, and all other rock buttress construction activities requiring equipment use shall be staged above the OHWM during construction.
8. Except for non-ground disturbing temporary pollution prevention BMPs, fill shall not

Project-Specific Conditions (continued)

be placed below the Rancheria Creek OHWM.

9. 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.
10. On-site restoration shall commence no later than Fall 2015.

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11. Herbicides and pesticides shall not be used within the Project limits. If Caltrans has a compelling case as to why herbicides and pesticides should be used, then a request along with a BMP plan may be submitted to the Regional Water Board Executive Officer for review and consideration of acceptance.
12. All activities and BMPs shall be implemented according to the submitted application materials (as revised May, 2013) and the findings and conditions of this certification.
13. 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.
14. This Order does not authorize drafting of surface waters.
15. Caltrans shall provide access to the Project construction site upon request by Regional Water Board staff.
16. Construction Best Management Practices (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, Caltrans shall first submit a proposal to Regional Water Board staff for review and acceptance.
17. Caltrans is prohibited from discharging waste to waters of the State, unless explicitly authorized by this certification. 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, shall 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

Standard Conditions (continued)

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.

18. 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.
19. Gravel bags used within State waters shall meet the gravel specifications described below in condition number 20. 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.

20. 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;
 - 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;

Standard Conditions (continued)

- 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.

Exceptions to these criteria are subject to the review and acceptance of Regional Water Board staff.

21. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the U.S. At no time shall Caltrans use any vehicle or equipment which leaks any substance that may impact water quality.

22. Caltrans shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. Caltrans shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the Project). If Caltrans finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products.

Caltrans shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time, with the exception of plastic sheeting. Caltrans shall first request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

23. Work in flowing or standing surface waters, unless otherwise proposed in the Project description and approved by the Regional Water Board, is prohibited.

24. 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.

25. Non-stormwater discharges are prohibited unless the discharge is approved by the Regional Water Board and in compliance with the Basin Plan. 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

Standard Conditions (continued)

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.

26. 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 above mentioned plan has been approved by Regional Water Board staff. The fueling plan may be submitted individually, included in the Project 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.

27. 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. 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, and inspectors or monitors assigned to work on the Project within the next week, shall be present at the meetings. Individuals that cannot attend the meeting shall have an alternative meeting briefing. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.
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, then Caltrans or their contractor shall first request authorization from the Regional Water Board. Plans to reuse or recycle wastewater require written approval from Regional Water Board staff.

Standard Conditions (continued)

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 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. 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.
32. 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 \$3,502 from Caltrans on September 7, 2012.
33. 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.
34. 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

Standard Conditions (continued)

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.

35. 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.
36. 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.
37. 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 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.
38. The authorization of this certification for any dredge and fill activities expires on

Standard Conditions (continued)

June 26, 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.

Conditions 1–3 and 5 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

Matthias St. John
Executive Officer

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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. Al Kannelly, Caltrans, District 3 Env. Division, P.O. Box 911, Marysville, CA 95901-0911

Electronic

Copies to: U.S. Army Corps of Engineers, Regulatory Functions - San Francisco District
California Department of Fish and Wildlife, Bay Delta Region
State Water Resources Control Board
Environmental Protection Agency, Region IX