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**North Coast Regional Water Quality Control Board**

July 31, 2013

In the Matter of

**Water Quality Certification**

for

**City of Point Arena**  
**Port Road Drainage Rehabilitation**  
**WDID No. 1B12178WNME**

APPLICANT: City of Point Arena  
RECEIVING WATER: Point Arena Creek  
HYDROLOGIC UNIT: Mendocino Coast Hydrologic Unit,  
Garcia River Hydrologic Area No. 113.70  
COUNTY: Mendocino  
FILE NAME: Port Road Drainage Rehabilitation

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BY THE EXECUTIVE OFFICER:

1. On September 12, 2012, the City of Point Arena (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with improving drainage on Port Road (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 14, 2013, and posted information describing the Project on the Regional Water Board's website. We did not receive any public comments on the Project. The Project is located on Port Road, Point Arena, Mendocino County, latitude 38.910114°N, and longitude 123.699555°W. The proposed Project will cause disturbances to waters of the United States associated with Point Arena Creek, in the Mendocino Coast Hydrologic Unit, Garcia River Hydrologic Area No. 113.70. Permanent impact to

riparian wetlands is approximately 0.0003 acres/3 linear feet, temporary impact to approximately 0.0168 acres/175 linear feet of riparian/seep wetlands.

2. The Project involves the repair of a structural failure and the installation of an under drain and outfall on Port Road. The section of roadway has experienced repeated failures due to water entering the roadway's structural section which results in road damage. The resulting damage forces traffic into oncoming lanes and poses additional hazards to cyclists and pedestrians attempting to use the bike lane. The Project site is approximately 250 feet long and spans the width of the existing road (approximately 30 feet wide). The eastern edge of the Project site is approximately 200 feet west of the intersection of Port Road and Bluff Top Road. Excavation of the roadway section will be approximately 30'x30'x10' for the cross culvert and terminal risers, and 80'x3'x10' for the under drain component, for a total excavation volume of approximately 300 cubic yards. The new 15" cross culvert and outfall will convey water into a rock slope protection (RSP) basin which drains to Point Arena Creek. The RSP basin will be approximately 3'x3'x1'. The Project will be designed to avoid direct fill, sedimentation and/or erosion into Point Arena Creek. Additional work includes cleaning out the roadside ditch along the northern side of the roadway and minor vegetation clearing in order to install the RSP basin.
3. The Project is planned to commence between October 1<sup>st</sup> and November 30<sup>th</sup>, to avoid the breeding and dispersal season of the Point Arena Mountain Beaver. Work is planned to last 15 days.
4. Mitigation includes decreased sediment delivery to the creek from the eroding bank and street. It is expected that impacted areas will naturally revegetate and regain wetland characteristics within several years.
5. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit 14 for Linear Transportation Projects, pursuant to Clean Water Act, section 404. The Applicant has also applied to California Department of Fish and Wildlife for a Streambed Alteration Agreement.
6. The City of Point Arena, as lead California Environmental Quality Act (CEQA) agency, has prepared a Mitigated Negative Declaration and filed it with the State Clearinghouse (SCH 2013032009) on March 4, 2013, pursuant to CEQA guidelines.
7. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Receiving Water: Point Arena Creek  
Garcia River Hydrologic Area No. 113.70,

Filled or Excavated Area: Permanent impact to riparian wetlands:  
0.0003 acres/3 linear feet  
Temporary impact to riparian/seep wetlands:  
0.0168 acres/175 linear feet

Latitude/Longitude: 38.910114°N, 123.699555°W

Expiration: July 31, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Port Road Drainage Rehabilitation Project (WDID No. 1B12178WNME), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

4. The Regional Water Board shall be notified annually and in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the Project.
5. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
6. Any water pumped from the work area shall not be discharged back to the creek; it shall be pumped to a tank or other conveyance and disposed of at a legal point of appropriate disposal.
7. Applicant shall use wildlife-friendly 100% biodegradable erosion control products/BMPs. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the Project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
8. The Project shall be implemented according to the submitted application materials and the findings in this certification.
9. BMPs shall be implemented as proposed in the application materials. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.

10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
11. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
12. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
13. Prior to implementing any change to the Project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).
14. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
15. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the Project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
16. The Applicant shall implement the Project in accordance with the Project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
17. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.

18. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
19. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
20. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
21. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board.

The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all

proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

22. The authorization of this certification for any dredge and fill activities expires on July 31, 2018. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments, please call Stephen Bargsten at (707) 576-2653 or Gil Falcone at (707) 576-2830.

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Matthias St. John  
Executive Officer

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- Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)
- Original to: Ms. Hunter Alexander, City of Point Arena, 415 School Street PO Box 67, Point Arena, CA 95468
- Copy to: Mr. Jeff Schwein, Gallaway Enterprises, 117 Meyers Street, Suite 120, Chico, CA 95928