
North Coast Regional Water Quality Control Board

June 6, 2014

In the Matter of
Water Quality Certification
for

**FHWA George E. Tryon Bridge (no. 01C0005) Replacement CA PFH 112-1(3) South Fork Smith River Project
WDID No. 1A14029WNDN**

APPLICANT: Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), Wendy Longley
RECEIVING WATER: South Fork Smith River and wetlands
HYDROLOGIC UNIT: Smith River Hydrologic Unit No. 103.20
COUNTY: Del Norte
FILE NAME: FHWA George E. Tryon Bridge (no. 01C0005) Replacement CA PFH 112-1(3) South Fork Smith River Project

BY THE EXECUTIVE OFFICER:

1. On April 13, 2014, the Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), Wendy Longley (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 the FHWA George E. Tryon Bridge (no. 01C0005) Replacement CA PFH 112-1(3) South Fork Smith River Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 12, 2014, 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 where South Fork Road (California Forest Highway 112) crosses the Smith River (Post Mile 0.4), Crescent City, Del Norte County. The Project site is located at latitude 41.797178°N, and longitude 124.054345°W. The Project will result in no permanent impacts to waters of the State. Temporary impacts to waters of the State include approximately 0.009 acres of wetlands and 0.03 acres of riparian vegetation clearing, associated with the South Fork Smith River, Smith River Hydrologic Unit No. 103.20.

2. The primary purpose of the Project is to replace the George E. Tryon Bridge within its current alignment and with a similar structure. The current 205 foot long, 2-lane arched bridge, constructed in 1948, has recently been determined to be structurally deficient and has a deteriorating lead-based paint matrix.
3. The Project would include containment of the paint matrix for removal avoiding discharge to surface waters, bridge removal, reconstruction of north and south approaches, structural retaining wall construction and bridge construction above the 100 year floodplain and ordinary high water mark. During construction of the new bridge clearing (no grubbing) of approximately 0.03 acres of riparian vegetation including approximately 6 to 8 trees and understory would be necessary. Additionally, temporary impacts to 0.009 acres of wetlands along the north approach are proposed.
4. The Project is planned to begin in the fall of 2014 through summer of 2017 with construction work planned to last approximately 24 months.
5. The Project includes a plan to revegetate disturbed areas, including planting 10 White and Red Alder plants within the riparian area and revegetating wetland feature with a 0.01 acre vegetated swale with wetland appropriate plant species. The Project proposes to employ best management practices to prevent or reduce any discharges during and after construction.
6. The Applicant has applied for authorization from the United States Army Corps of Engineers for a Clean Water Act, section 404 permit.
7. On April 16, 2014, Del Norte County, as lead California Environmental Quality Act (CEQA) agency, has produced an Initial Study and Proposed Mitigated Negative Declaration and filed with the State Clearinghouse (SCH No. 2014042066), pursuant to CEQA guidelines. The Regional Water Board has considered the environmental document.
8. 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."
9. 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.
10. 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. (Weblink below)

Receiving Water: South Fork Smith River and wetlands,
Smith River Hydrologic Unit No. 103.20

Filled or Excavated Area: Permanent impact to waters of the State: None
Temporary impact to waters of the State:
0.009 acres wetlands and 0.03 acres of riparian
vegetation

Fill Volume: 40 cubic yards

Latitude/Longitude: 41.797178°N / 124.054345°W

Expiration: June 6, 2019

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the FHWA George E. Tryon Bridge (no. 01C0005) Replacement CA PFH 112-1(3) South Fork Smith River Project (WDID No. 1A14029WNDN), 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 Applicant shall restore temporarily disturbed areas including implementing the proposed plan to revegetate disturbed areas, planting approximately 10 White and Red Alder plants within the riparian area and revegetating the storm water wetland feature with a 0.01 acre vegetated swale with native wetland appropriate plant species. The Project proposes to employ best management practices to prevent or reduce any discharges during and after construction. Proposed BMPs shall include containment of the lead paint matrix to ensure discharge of paint does not occur during bridge removal.

5. Applicant shall prioritize the use of wildlife-friendly 100% biodegradable erosion control products/BMPs whenever feasible. 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.
6. 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.
7. 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.
8. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
9. 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.
10. 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).
11. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant, and shall comply with all applicable water quality standards as detailed in the Basin Plan. 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.
12. 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.

13. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
14. 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.
15. 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.
16. 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.
17. 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 email a copy of the letter to the following email address: NorthCoast@waterboards.ca.gov.

To discharge dredged or fill material under this Order, the successor-in-interest must email the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov 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).

18. The authorization of this certification for any dredge and fill activities expires on June 6, 2019. 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 Gil Falcone at (707) 576-2830 or Stephen Bargsten at (707) 576-2653.

Original Signed By

Matthias St. John
Executive Officer

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Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Ms. Wendy Longley, Federal Highway Administration, Central Federal Lands Highway Division, 12300 West Dakota Ave., Lakewood, CO 80228

cc: Ms. Brooke Davis, Contractor for: Federal Highway Administration, Central Federal Lands Highway Division, 12300 West Dakota Ave., Lakewood, CO 80228