
North Coast Regional Water Quality Control Board

October 22, 2014

In the Matter of

Water Quality Certification

for the

California Department of Transportation
State Route 1, Post-Mile 19.6, Sonoma County Jenner Soldier Pile Wall Project
(Caltrans EA No. 04-4S9201, EFIS No. 04-0002-0569)
WDID No. 1B14088WNSO, ECM PIN CW-807181

APPLICANT: California Department of Transportation
RECEIVING WATER: Russian River
HYDROLOGIC UNIT: Guerneville Hydrologic Sub-Area (Basin Plan Hydrologic Planning Area 114.11)
COUNTY: Sonoma
FILE NAME: CDOT SON-1 Jenner Soldier Pile Wall Project

FINDINGS BY THE EXECUTIVE OFFICER:

1. On September 10, 2014, 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 section 401, Water Quality Certification (certification) for activities related to the proposed State Route 1 Jenner Soldier Pile Wall Project (Project).
2. **Hydrology:** The proposed Project would permanently impact a jurisdictional roadside wetland, tributary to the Russian River within the Guerneville Hydrologic Area (Basin

Plan Hydrologic Planning Area 114.11). The roadside wetland receives roadway runoff from the west and stormwater from undisturbed, vegetated areas to the east.

3. **Public Notice:** The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858, on September 30, 2014, and posted information describing the Project on the Regional Water Board's website. No comments were received.
4. **Project Description:** The proposed Project would occur on State Route 1 at post-mile 19.6, approximately 1.5 miles south of the town of Jenner, in Sonoma County. The purpose of the Project is to stabilize the failing southbound roadway embankment and eliminate a pavement ice accumulation hazard. The Project involves addition of new slope fill, construction of a 110-foot soldier pile wall using treated timber lagging, and installation of a subsurface drainage system to prevent saturated soil conditions adjacent the roadway. Additionally, damaged asphalt concrete pavement would be replaced and the southbound lane and shoulder would be widened.
5. **Construction Timing and Duration:** The Project is expected to be completed within approximately 60 days between May 15 and October 15, 2015 or 2016.
6. **Permanent Impacts:** Caltrans has determined that the proposed Project would result in approximately 0.023 acres of permanent impacts to jurisdictional roadside wetlands as a result of installing a subsurface drainage system and permanently depriving them of their water source.
7. **Temporary Impacts:** Caltrans has determined that the proposed Project would not result in temporary impacts to State waters.
8. **Mitigation for Permanent Impacts:** Caltrans shall mitigate for permanent impacts off-site and out-of-kind by purchasing 0.10 acres of riparian credits at the East Austin Creek Conservation Bank.
9. **Post-Construction Stormwater Treatment:** Post-construction stormwater treatment is not required because Project implementation will result in less than 5,000 square feet of impervious surface.
10. **Disturbed Soil Area:** Project implementation would result in less than one acre of disturbed soil area. Caltrans shall ensure that erosion and sediment control, site housekeeping, and other appropriate pollution prevention best management practices are employed to prevent violations of water quality standards.
11. **Utility Relocations:** This certification does not certify any utility relocations affecting State waters.

12. Other Agency Actions: Caltrans filed for coverage under non-reporting United States Army Corps of Engineers Nationwide Permit No. 14, *Linear Transportation Project*, pursuant to Clean Water Act, section 404, on June 23, 2014.

The United States Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) for the Project on April 9, 2014. The USFWS determined that Project implementation would be unlikely to jeopardize the continued existence of the California red-legged frog and included terms and conditions in the BO to minimize impacts to the frog.

13. CEQA Compliance: On May 6, 2014, Caltrans, acting as lead agency, filed a Notice of Exemption with the State Clearinghouse (Section 15303, New Construction or Conversion of Small Structures) for the proposed Project in order to comply with the California Environmental Quality Act (CEQA). The Regional Water Board has considered the environmental documentation, and has determined that the Project is categorically exempt from CEQA and has filed a Notice of Exemption.

14. 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 Water Quality Control Plan for the North Coast Region (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.

15. 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:	Russian River	
Filled and/or Excavated Areas:	Permanent seasonal wetland	0.023 acres
	Temporary	none
Dredge Volume:	None	
Fill Volume:	None	
Mitigation:	0.10 acres of riparian creation credit at Austin Creek Conservation Bank	

Latitude/Longitude:	38.432783, -123.100753
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Accordingly, based on its independent review of the record, the Regional Water Board certifies that the State Route 1 Jenner Soldier Pile Wall Project (WDID No. 1B14088WNSO), 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.

Project-Specific Condition Requiring Reports

1. Project construction shall be prohibited until Caltrans provides the Regional Water Board a receipt of purchase for no less than 0.10 acres of riparian habitat credits from the East Austin Creek Conservation Bank.

Standard Conditions

2. All Project activities and BMPs shall be implemented according to the submitted application package and the findings and conditions of this certification. Subsequent changes to the Project that could significantly impact water quality shall first be submitted to Regional Water Board staff for prior review, consideration, and written concurrence. If the Regional Water Board is not notified of an alteration to the Project that results in a significant impact to water quality, it will be considered a violation of this Order, and Caltrans may be subject to Regional Water Board enforcement actions.
3. 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.
4. Caltrans and their contractors shall comply with the activity restrictions detailed in Caltrans 2010 Standard Specifications 13-4.03C(1). In addition, fueling, maintenance, storage and staging of vehicles and equipment shall be prohibited within waters of the State (e.g., gravel bars, seeps, ephemeral streams) and riparian areas.
5. Fueling, maintenance, and/or staging of individual equipment types within waters of the State or riparian areas may be authorized if Caltrans first prepares a plan that:
 - i) Identifies the specific piece of machinery that may require fueling, maintenance, and/or staging within waters of the State or riparian areas;
 - ii) Provides justification for the need to refuel, maintain, or stage within State

Standard Conditions (continued)

waters or riparian areas. The justification shall describe why conducting the activity outside of jurisdictional waters is infeasible; and

iii) Includes a narrative of specific BMPs that shall be employed to prevent discharges to State waters and riparian areas.

6. Caltrans shall not use leaking vehicles or equipment within State waters or riparian areas.
7. Asphalt-concrete grindings shall not be placed in any location where they may, at any time, be directly exposed to surface waters or seasonally high ground water, except asphalt-concrete grindings may be re-used and incorporated into hot mix asphalt products or encapsulated within the roadway structural section.
8. 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, shall be allowed to enter into State waters.
9. 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 in a manner where the materials may be transported into waters of the State. Waste materials shall not be placed within 100 linear feet of State waters. Exceptions to the 100-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.
10. Caltrans is liable and responsible for the proper disposal, reuse, and/or recycling of all Project-generated waste in compliance with applicable State and Federal laws and regulations, as described in Caltrans 2010 Standard Specifications 13-4.03D, Waste Management. Additionally, when handling, transporting, disposing, reusing, and/or recycling Project-generated waste, Caltrans and their contractors shall:
 - i) Provide the Regional Water Board with a copy of the Solid Waste Disposal and Recycling Report prepared for Caltrans by the contractor per Caltrans 2010 Standard Specification 14-10.02A(1), Submittals. These reports shall be provided not later than January 31 for each year work is performed during the previous calendar year. A copy of the final Solid Waste Disposal and Recycling Report shall be submitted to the Regional Water Board within 30 days after being received by Caltrans from the contractor.
 - ii) For waste other than solid waste, obtain evidence that waste has been appropriately disposed, reused, and/or recycled. Evidence shall include type and quantity of waste and may include, but not be limited to, property

Standard Conditions (continued)

owner agreements, permits, licenses, and environmental clearances.
Evidence shall be provided to the Regional Water Board upon request; and

- iii) For waste other than solid waste, ensure the Resident Engineer has given written permission for disposal, reuse, and/or recycling, prior to the actual disposal, reuse, and/or recycling.
11. Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.
 12. 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 used in water diversion and dewatering activities. Caltrans shall first request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
 13. Work in flowing or standing surface waters, unless otherwise proposed in the Project description and approved by the Regional Water Board, is prohibited.
 14. Non-stormwater discharges are prohibited unless the discharge is first approved by the Regional Water Board and in compliance with the Basin Plan. If dewatering of groundwater is necessary, then Caltrans shall use a method of water disposal other than disposal to ground or 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.
 15. Herbicides and other pesticides shall not be used within the Project limits. If Caltrans has a compelling case as to why pesticides should be used, then a request for pesticide use and a BMP plan may be submitted to the Regional Water Board staff for review and acceptance.
 16. This Order does not authorize drafting of surface waters.
 17. 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 and subcontractors.

Standard Conditions (continued)

18. 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, with photographs of the discharge and area contributing to the discharge, no more than 24 hours after the discharge occurs.
19. Any 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 consideration of acceptance.
20. 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 Caltrans. The Regional Water Board received \$1,320 from Caltrans on September 10, 2014.
21. 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.
22. 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.

Standard Conditions (continued)

23. 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.
24. This certification is not transferable. In the event of any change in control of ownership of land presently owned or controlled by Caltrans, Caltrans 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.
25. Except as may be modified by any preceding conditions, all certification actions are contingent on:
 - i) The discharge being limited, and all proposed revegetation, avoidance, minimization, and mitigation measures being completed, in strict compliance with Caltrans's project description and CEQA documentation, as approved herein; and
 - ii) Compliance with all applicable water quality requirements and water quality control plans including the requirements of the Basin Plan, and amendments thereto.
26. The authorization of this certification for any dredge and fill activities expires five years from the date of this certification. 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.

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

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

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