
North Coast Regional Water Quality Control Board

September 15, 2015

In the Matter of Water Quality Certification

for the

Humboldt Bay Municipal Water District – Mad River Operations WDID No. 1B03079WNHU

APPLICANT: Humboldt Bay Municipal Water District
RECEIVING WATER: Mad River
HYDROLOGIC UNIT: Blue Lake Hydrologic Unit 109.10
COUNTY: Humboldt
FILE: Humboldt Bay MWD – Mad River Operations, ECM PIN CW-723052

BY THE EXECUTIVE OFFICER:

1. On August 17, 2015, the Humboldt County Municipal Water District (Applicant) filed an application for water quality certification (Certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the North Coast Regional Water Quality Control Board (Regional Water Board) for annual activities associated with ongoing operation, maintenance, excavation, berm construction, and protection of existing water supply structures in a two-mile reach of the Mad River between the railroad bridge in Blue Lake and the Highway 299 Bridge near Essex (Project), Humboldt County. The Regional Water Board issued a water quality certification for these exact activities on January 7, 2010, that expired January 7, 2015. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 20, 2015, and posted information describing the Project on the Regional Water Board's website. No comments were received. The Project is located at approximately latitude 40.90126°N, and longitude 124.03051°W.

The Project will cause disturbance to waters of the United States associated with the Mad River in the Blue Lake Hydrologic Area No. 109.10.

2. The Applicant is the only water supplier in the greater Humboldt Bay area. The Applicant sells “raw” water to industrial users on the Samoa Peninsula and treated water to the cities of Arcata, Blue Lake, and Eureka, as well as the Fieldbrook, Humboldt, Manila, and McKinleyville Community Services Districts. Proposed operation and maintenance activities include channel dredging, excavation, and the use of excavated materials to create a berm parallel to the low-flow channel between an existing rock jetty on the north bank and an existing rock weir downstream of Station 6. Excavation activities may be conducted between Stations 1 and Station 6, and in front of Station 6, on an as needed basis when aggradation blocks the flow of water into the forebay.
3. Temporary access roads, platforms, gravel berms, and ramps may be constructed to allow the Applicant to work on pumps housed in collectors 1, 2, 4, and 5. Temporary access structures will be constructed out of the low-flow channel and during low-flow periods by moving river-run gravel material from the surrounding area using heavy equipment. Gravel berms 3- to 4-feet high, 20-foot wide, and 350-foot long are constructed adjacent to the collectors. The berms prevent the water elevation at Pump Station 6 from dropping too low for the water to flow into the pumps. A channel approximately 10-foot deep, 12-foot wide, and 300-foot long will also be excavated in the river gravel to connect Pump Station 6 with the low-flow river channel. The exact configuration of the berm and channel are based on the amount of aggraded gravel in front of the pump Station 6 and the location of the low-flow river channel.
4. The Project will result in temporary impacts to approximately 500 linear feet and 1.35 acre of stream channel. Compensatory mitigation is not required for the proposed project. Under Section 10 of the federal Endangered Species Act (ESA), the Applicant elected to pursue an Incidental Take Permit for its Mad River activities and has an approved Habitat Conservation Plan (HCP). The purpose of the HCP is to describe conservation, mitigation, and monitoring measures that the Applicant will undertake to minimize and mitigate adverse impacts to three ESA listed salmonid species: Chinook salmon, coho salmon, and steelhead trout. Non-compensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment in the stream channel. Disturbed areas on the gravel bar where fill materials are obtained shall also be graded in such a manner that no depressions remain on the gravel bar and the bar is sloped to drain towards the wetted channel. Project activities are generally conducted on an annual basis between June 1 and October 15.

5. The Applicant has obtained authorization from the United States Army Corps of Engineers to perform the Project under Individual Permit (File No. 286620N), pursuant to Clean Water Act, section 404. The Applicant has also obtained a Streambed Alteration Agreement from the California Department of Fish and Wildlife (#R1-2010-0093).
6. On September 11, 2003, the Applicant adopted a Mitigated Negative Declaration (MND, SCH# 2003082015) for the Project, in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
7. The Mad River is identified as impaired for sediment and siltation under Clean Water Act Section 303(d). Streambank destabilization is identified as a source contributing to the sediment impairment. Activities that will be authorized by this Order are designed to reduce sediment discharges from streambank destabilization. Accordingly, this Order is consistent with, and implements, BMPs that would attenuate sediment adverse impacts.
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.

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Receiving Water: Mad River in the Blue Lake Hydrologic Area No. 109.10

Filled or Excavated Area: Temporary impact to waters of the State:
1.35 acre of stream channel

Channel and Shoreline: 500 linear feet of stream channel

Latitude/Longitude: Upstream: 40.90126 N / 124.03051 W
Downstream: 40.90785 N / 124.05851 W

Expiration: December 31, 2020

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Bay Municipal Water District's Mad River Operations (WDID No. 1B03079WNHU), 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:

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 of 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. Visual observations for increased turbidity shall be conducted whenever a project activity has the potential to increase turbidity in the Mad River. Field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Turbidity measurements shall be collected upstream (within 50 feet) of the source of turbidity (any project activities that cause a turbidity increase) and downstream

(within 500 feet) of the source of turbidity. The monitoring frequency shall be a minimum of once every two hours during periods of increased turbidity or until turbidity levels are no longer increasing as a result of project activities. If turbidity levels are greater than 20 percent above background levels 500 feet downstream of the turbidity source, the distance to the downstream extent of the turbidity increase (greater than 20 percent above background) shall be determined and that distance shall be promptly reported to Regional Water Board staff.

5. A turbidity monitoring report shall be submitted to the Regional Water Board by January 1 each year. The annual report shall contain a written summary of all activities conducted during the year, all turbidity measurements that were collected in accordance with Condition 4, a description of the BMPs that were used to control turbidity, photos showing project areas before implementation of annual activities, photos showing project areas following implementation of annual activities, and photos of BMPs that were used.
6. A fee of \$7,655 was received for this project on September 14, 2015. This certification will be subject to annual billing during the construction phase ("Annual Active Discharge Fee") and during the monitoring phase of the project ("Annual Post Discharge Monitoring Fee"), per the current fee schedule, which can be found on our website:
http://www.swrcb.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml These fees will be automatically invoiced to the applicant.

The applicant must notify the Regional Water Board of the end of the construction phase of the project in order to request the Regional Water Board to terminate annual construction period billing and to receive a "Notice of Completion of Discharges Letter". If the project is subject to annual monitoring fees, the applicant must also notify the Regional Water Board at the end of the monitoring period in order to request to terminate annual monitoring period billing and receive a "Notice of Project Complete Letter". Completion reports may be necessary to be submitted by applicant at the end of each of these phases. Regional Water Board staff may request site visits at the end of each phase of the project to confirm status of project and compliance with this Order.

7. 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. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

8. 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.
9. 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.
10. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
11. 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.
12. 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).
13. 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.
14. 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.

15. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
16. 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.
17. 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.
18. 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.
19. 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
20. 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.

21. 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 December 31, 2020. 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 Jake Shannon at (707) 576-2673 or Stephen Bargsten at (707) 576-2653.

Matthias St. John
Executive Officer

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