March 25, 2016

In the Matter of
Water Quality Certification

for the

State Route 128/253 Culvert Rehabilitation Project (Phase III, Part 2)
38.991, -123.3538 to 38.875, -123.1058[1]
WDID No. 1B15162WNME, ECM PIN CW-820346
Caltrans EA No. 01-37813, EFIS No. 01-0000-0134

APPLICANT:	California Department of Transportation
RECEIVING WATERS:	Russian River & North Fork Navarro River
HYDROLOGIC AREA:	Mendocino Coast, Navarro River, Sub-area 113.50 Mendocino Coast, Middle Russian River, Sub-area 114.24
COUNTY:	Mendocino
FILE NAME:	CDOT MEN-128-PM 30.14-48.44 State Route 128/253 Culvert Rehabilitation Project (Phase III, Part 2)

FINDINGS BY THE EXECUTIVE OFFICER:

1. On December 22, 2015, 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 Highway 128/253 Culvert Rehabilitation Project Phase III (Part 2), (Project).

[1] WGS84 datum

2. **Public Notice:** The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 9, 2016, and posted information describing the Project on the Regional Water Board's website. No comments were received.

3. **Receiving Waters**: The proposed Project will cause disturbances to tributaries of the Russian River and Navarro River. (Middle Russian River, Sub-Area 114.24 and Navarro River, Sub-Area 113.50).

4. **Project Description:** The purpose of the Project is to rehabilitate 22 deteriorated culverts that Caltrans has determined to have reached life expectancy, thus preventing highway damage from potential culvert failure. The Project area is on Route 128 (MEN 128) between Post Miles (PM) 30.14 and 48.44 in Mendocino County.

   Work will be conducted on drainage systems at the following SR 128 Post-Miles:

30.14	30.57	31.03	31.09	31.26	35.42	35.48
35.94	38.77	40.52	40.75	41.12	41.35	42.81
43.16	44.85	46.66	47.52	47.71	47.97	48.3
48.44						

   <u>DS – 1 PM 30.14</u>
   The existing upstream 18" x 21.1' corrugated metal pipe (CMP) downdrain and concrete headwall, concrete drainage inlet, and 18" x 40.2' CMP culvert will be removed and replaced by trench cut and cover with a new 24" concrete headwall, 24" x 21.1' alternative pipe downdrain, concrete open-grated inlet with hot mix asphalt (HMA) apron and dike, and 24" x 49.7' alternative pipe culvert (APC) with a 24" concrete headwall at the outlet. Imported rocky material will be used to recontour the slope above the outlet.

   <u>DS – 2 PM 30.57</u>
   The existing 18" x 48.5' CMP culvert will be removed by trench cut and cover, along with the existing inlet headwall, and replaced with a 24" x 55.1' APC and straight 24" concrete headwalls at both the inlet and outlet. Imported rocky material will be used to recontour the slope above both the inlet and outlet, and minor concrete backfill will be placed atop 30' of the middle of the culvert length.

   <u>DS – 3 PM 31.03</u>
   The existing 18" x 55.2' CMP culvert and 18" x 29.5' CMP downdrain will be replaced with a 24" x 55.3' APC by trench cut and cover, along with a new 24 x 30.2' AP downdrain and anchor assembly. Approximately 44 cubic yards of rock slope protection (RSP) will be installed at the outlet.

DS – 4 PM 31.09
The existing 15" x 54.0' CMP culvert and concrete inlet headwall will be replaced with a 24" x 54.0' APC by trench cut and cover. A new straight 24" concrete headwall will be installed at the inlet, and imported rocky material will be used to recontour the slope above the culvert inlet.

DS – 5 PM 31.26
Two end pieces (7.5'- and 3.5'-long sections) of the existing 18" x 86' CMP culvert will be removed and the remaining 72.5' section abandoned in place. A new 24" x 65.1' APC and 24" concrete straight inlet headwall will be installed above the abandoned culvert by trench cut and cover, along with a 24" x 20.3' alternative pipe outlet downdrain. Imported rocky material will be used to backfill the old inlet area, as well as to recontour the slope above the new APC culvert inlet. Approximately 6.2 cubic yards of RSP will be installed at the downdrain outlet.

DS – 6 PM 35.42
The existing 18" x 40' CMP and inlet structure will be removed by trench cut and cover and replaced with a 24" x 45.4' APC and an open-grated concrete draining inlet. An existing gabion basket wall will be protected in place at the inlet, and an HMA apron and dike will be installed at the inlet and minor concrete backfill will be placed above the culvert at the inlet side.

DS – 7 PM 35.48
The existing 18" x 37.3' CMP culvert and concrete inlet structure will be replaced with a 24" x 44' APC by trench cut and cover, and a new concrete double- open-grated drainage inlet will be installed along with a HMA apron and dike. Imported rocky material will be used to recontour the slope above the outlet.

DS – 8 PM 35.94
The existing 18" x 40.7' CMP and inlet structure will be removed and the replaced with a 24" x 51.1' APC by trench cut and cover, along with a new steel open metal pipe (OMP) drainage inlet and metal flared-end section at the outlet. Imported rocky material will be used to recontour the slope above the outlet.

DS – 9 PM 38.77
The existing 18" x 35.4' CMP will be replaced with a new 24' x 38.6' APC using trench cut and cover, along with a concrete open-grated drainage inlet and HMA apron and dike. Existing concrete scour protection will be replaced by concrete-and-RSP at the inlet channel. Minor concrete backfill will be placed atop the center portion of the new culvert, and imported rocky material will be used to recontour the slope above the outlet.

DS – 10 PM 40.52
Using trench cut and cover, the existing 18" x 41.0' CMP culvert will be replaced with a 24" x 46.0' APC, and the exiting inlet headwall with a new 24" concrete straight headwall. Imported rocky material will be used to recontour the slopes at both the inlet and outlet.

DS – 11 PM 40.75
The existing 18" x 39.0' CMP culvert and inlet headwall will be removed and replaced with a 24" x 39.8' APC and new 24" concrete straight inlet headwall. About 13 feet of concrete backfill will be installed from the inlet side of the culvert, and imported rocky material will be used to recontour the slopes above both the inlet and outlet ends. An existing 4" fiber optic cable, encased in 6 inches of concrete, runs below the culvert alignment.

DS – 12 PM 41.12
The existing 18" x 40.6' CMP culvert will be replaced with a 24" x 45.5' APC by trench cut and cover, and the existing concrete headwall will be removed and a new 24" concrete straight inlet headwall installed. Approximately 12 cubic yards of RSP will be placed in the roadside drainage ditch leading to the culvert inlet, and imported rocky material will be used to contour the slope above the inlet. An existing 4" fiber optic cable, encased in 6 inches of concrete, runs below the culvert alignment.

DS – 13 PM 41.35
The existing 18" x 41.6' CMP culvert will be replaced with a 24" x 47.8' APC by trench cut and cover, and the existing inlet concrete headwall removed. A new 24" concrete straight headwall will be installed, and imported rocky material will be used to recontour the slope above the inlet. Approximately 6 cubic yards of RSP will be placed at the outlet.

DS – 14 PM 42.81
A new 24" x 76.5' APC will be installed where the previous pipe was lost during construction of a driveway. Imported rocky material will be used to recontour the slope at the outlet side.

DS – 15 PM 43.16
The existing 18" x 58.4' CMP and headwall will be replaced with a 24" x 59.6' APC using trench cut and cover construction, and a new straight 24"concrete headwall installed at the inlet. About 27' of concrete backfill will be placed atop the culvert from the inlet side, and imported rocky material will be used to recontour the slope above the both the inlet outlet. Additionally, an existing 4" fiber optic cable encased in 6 inches of concrete below the culvert alignment will be protected in place.

DS – 16 PM 44.85
The existing 18" x 32.9' CMP culvert will be removed using trench cut and cover and replaced with a 24" x 34.2' APC. A drainage inlet will be installed, as well as a 2" x 39.0' plastic supply pipe housed within a 6" x 38.0' CMP. Approximately 13' of minor concrete backfill will be installed above the culvert from the inlet side, and 4.5 cubic yards of RSP installed at the outlet. Additionally, a 4" fiber optic cable housed within 6" of concrete will be protected in place.

DS – 17 PM 46.66
The existing 18" x 45.8' CMP culvert and 12" x 18.9' downdrain will be replaced with a 24" x 46.0' APC and 24" x 24.4' AP downdrain by trench cut and cover. An HMA dike and paved gutter flare will be placed to direct surface and roadside drainage flows into a new 12" x 24.7' downdrain assembly. Approximately 15' of minor concrete backfill will be placed atop the culvert from inlet side, and imported rocky material used to recontour the slope on the outlet side. 6.2 cubic yards of RSP will be installed at the confluence of the culvert and downdrain outlets. An existing 4" fiber optic cable encased in 6" of concrete will be protected in place.

DS – 18 PM 47.52
The existing 18" x 51.9' CMP culvert will be removed via trench cut and cover, along with the exiting inlet concrete headwall, and replaced with a 24" x 58.1' APC and new straight 24" concrete inlet headwall. Imported rocky material will be used to recontour the slope at the outlet, and 6.2 cubic yards of RSP will be installed at the culvert outlet. An existing 4" fiber optic cable, encased in 6" of concrete, runs beneath the culvert alignment.

DS – 19 PM 47.71
The existing 18" x 57.6' CMP culvert will be removed by trench cut and cover and replaced with a new 24" x 62.2' APC and straight 24" concrete headwall. Approximately 17' of minor concrete backfill will be placed atop the culvert from the inlet side, and imported rocky material will be used to recontour the slope at the outlet. Approximately 6.2 cubic yards of RSP will be installed at the culvert outlet. An existing 4" fiber optic cable encased in 6" of concrete will be protected in place.

DS – 20 PM 47.97
The existing 18" x 40.4' CMP culvert will be replaced by trench cut and cover with a 24" x 42.8' APC. A sloped 24" concrete headwall will be installed at the outlet end of the culvert, and approximately 12' of minor concrete backfill will be placed atop the culvert from the inlet side.

DS – 21 PM 48.30
The existing 18" x 40.2' CMP will be replaced using trench cut and cover with a 24" x 44.8' APC. Imported rocky material will be used to recontour the slope above the

outlet, and approximately 12' of minor concrete backfill will be placed atop the culvert from the inlet side.

DS – 22 PM 48.44
The existing 18" x 50.7' CMP will be replaced using trench cut and cover with a new 24" x 52.6' APC. A steel pipe drainage inlet will also be installed, and imported rocky material will be used to recontour the slope above the outlet. An existing 4" fiber optic cable, encased in 6" of concrete, runs beneath the culvert alignment.

5. **Construction Timing:** The Project is expected to be completed within approximately 66 working days. The Project is proposed to begin on July 1, 2016, and be completed on September 1, 2016.

6. **Project Impacts:** The proposed Project will result in approximately 412.8 linear feet (0.012 acres) of permanent impacts to jurisdictional waters due to disturbance during construction. The proposed Project will result in approximately 1,359.9 linear feet (0.04 acres) of temporary impacts to jurisdictional waters due to the new drainage system being installed. The Project will also result in approximately 0.001 acres of permanent impacts and 0.003 acres of temporary impacts to wetlands due to disturbance during construction.

7. **Mitigation for Project Impacts**: Caltrans shall mitigate for permanent impacts by providing 0.36 acres of restored wetlands and 0.17 acres of restored waters of the state at MacKerricher State Park, immediately north of Fort Bragg. Mitigation shall be completed consistent with the April 2013, Inglenook Fen-Ten Mile Dune Natural Preserve Mitigation and Monitoring Plan, prepared by Caltrans.

8. **Post-Construction Storm Water:** Post-construction storm water treatment is not required because Project implementation will result in less than 5,000 square feet of added or reworked impervious area.

9. **Disturbed Soil Area**: Project implementation will result in less than one acre of disturbed soil area. Caltrans shall utilize appropriate erosion control, sediment control, and site management Best Management Practices to prevent discharge of pollutants during construction.

10. **Utility Relocations:** Utility relocations affecting jurisdictional waters are not proposed for this Project.

11. **Other Agency Actions:** Caltrans has requested U.S. Army Corps of Engineers authorization to perform the project under Regional General Permit no. 2009-00447N, pursuant to CWA, section 404. Caltrans has also submitted a section 1600 Notification of Lake or Streambed Alteration to the California Department of Fish and Wildlife. Caltrans received a Biological Opinion (AFWO-10B0003-10F0090) from the National

Marine Fisheries Service (NMFS) on January 4, 2005, that determined the Project is not likely to adversely affect listed salmonid species. Caltrans reinitiated consultation with NMFS in 2006 after a change in the listing status of Central California Coast coho salmon as well as designation of critical habitat for Northern California steelhead and Central California Coast steelhead. In a January 10, 2007 letter, NMFS maintained that the original Biological Opinion and incidental take statement remained valid.

12. **CEQA Compliance:** On June 6, 2005, Caltrans signed a Notice of Determination approving a Mitigated Negative Declaration for the Project (State Clearinghouse No. 2015021063) in order to comply with the California Environmental Quality Act.

13. **Total Maximum Daily Load:** The Navarro River is identified as impaired for sediment and temperature under the Clean Water Act Section 303(d) list. Erosion is identified as a contributing source to sediment impairment. Caltrans will utilize appropriate erosion control, sediment control, and site management BMPs to control pollutants during construction, and drainage improvements will result in a net reduction in sediment contributions. Accordingly, this certification does not certify any activities that would contribute to Eel River sediment or temperature impairment.

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 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. Order No. 2003-0017-DWQ can be found here: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf.

Receiving Water:	Russian River & North Fork Navarro River	
Filled and/or Excavated Areas:	Permanent – jurisdictional waters Temporary – jurisdictional waters	412.8 linear feet (0.012 acres) 1,359.9 linear feet (0.04 acres)
Latitude/Longitude:	38.991, -123.3538 to 38.875, -123.1058	
Certification Expiration:	March 25, 2021	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the State Route 128/253 Culvert Rehabilitation Project (Phase III, Part 2) (WDID No. 1B15162WNME), 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 Caltrans complies with the following terms and conditions:

All conditions of this certification apply to Caltrans (and 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.

Project-Specific Conditions

1. Caltrans shall restore 0.36 acres of wetlands and 0.17 acres of waters of the state at the Inglenook Fen – Ten Mile Dunes Preserve as part of the California State Parks MacKerricher State Park Dune Rehabilitation Project, as seen in the *Mitigation and Monitoring Plan*, dated April 13.

Project-Specific Conditions Requiring Reports

2. The Regional Water Board shall be notified in writing (e-mail is acceptable) at least five working days prior to commencement of ground disturbing activities for each construction season.

3. Caltrans shall implement the proposed *State Route 128/253 Culvert Rehabilitation Project (Phase III, Part 2) Revegetation Plan,* dated December 2015 (Plan). Caltrans shall submit years 1, 2, 3, 4, and 5 monitoring reports, no later than January 31 following the respective monitoring year. The monitoring reports shall include photos, plant counts, and success criteria for survival counts.

Standard Conditions

4. 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.

Standard Conditions (continued)

5. 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 an impact to water quality, it will be considered a violation of this certification, and Caltrans may be subject to Regional Water Board enforcement actions.

6. All conditions required by this certification 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 certification in the bid contract for this Project.

7. 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.

8. 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.

9. 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, and 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

Standard Conditions (continued)

type and quantity of waste and may include, but not be limited to, property 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.

10. 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.

11. 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.

12. 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 for review and approval by Regional Water Board staff 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 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;

13. Caltrans shall not use leaking vehicles or equipment within State waters or riparian areas.

14. Only 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Photodegradable synthetic products are not considered biodegradable. 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. This condition does not prohibit the use of plastic sheeting used in water diversion or dewatering activities. Caltrans shall request approval from the Regional Water Board if an exception to this requirement is needed for a specific location.

Standard Conditions (continued)

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

16. 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.

17. Gravel bags used within State waters shall:

    i) Comply with Caltrans 2010 Standard Specifications sections 13-5.02G and 88-1.02F;

    ii) Be immediately removed and replaced if the bags have developed or are developing holes or tears; and

    iii) Be filled only with clean washed gravel.

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

18. This certification does not authorize drafting of surface waters.

19. Caltrans shall provide access to the Project construction site upon request by Regional Water Board staff.

20. Initial water pollution control training described in Caltrans 2010 Standard Specifications 13-1.01D(2), Training, shall apply to all Caltrans employees, contractors, and sub-contractors. Initial water pollution control training topics shall include Regional Water Board 401 certification and construction general permit requirements, identification of state waters and riparian areas, and violation avoidance and discharge reporting procedures.

21. Caltrans shall maintain logs of all Caltrans staff, contractors, and sub-contractors trained pursuant to the Caltrans 2010 Standard Specifications 13-1.01D(2). The logs shall include the names of trainees, training dates, and summary of the scope of training. Caltrans shall provide evidence of this documentation upon the request of the Regional Water Board.

Standard Conditions (continued)

22. 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 no more than 24 hours after the discharge occurs.

23. Uncured concrete shall not be exposed to State waters or surface waters that may discharge to State waters. Concrete sealants may be applied to the concrete surface where difficulty in excluding flow for a long period may occur. If concrete 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.

24. Ground and surface water that has come into contact with fresh concrete, and all other wastewater, shall not be discharged to State waters or to a location where it may discharge to State waters; the wastewater shall be collected and re-used or disposed of in a manner approved by the Regional Water Board.

25. 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 consideration of acceptance.

26. 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.

27. The validity of this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833. The total application fee is $10,794. The Regional Water Board received $10,794 from Caltrans on December 2, 2015.

28. 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 Caltrans.

29. Caltrans shall notify the Regional Water Board upon Project construction completion to

Standard Conditions (continued)

request termination of the Annual Active Discharge Fee and to receive a "Notice of Completion of Discharges Letter." If the Project is subject to the Annual Post Discharge Monitoring Fee, then Caltrans shall also notify the Regional Water Board at the end of the monitoring period to request termination of the fee and receive a "Notice of Project Complete Letter." Caltrans may be required to submit completion reports at the end of each of these phases. Regional Water Board staff may request site visits at the end of each Project phase to confirm Project status and compliance with this certification.

30. 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.

31. 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.

32. 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.

33. 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 following email address: NorthCoast@waterboards.ca.gov.

    The successor-in-interest shall e-mail the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov to request authorization to discharge dredged or fill

Standard Conditions (continued)

material under this certification. The request must contain the following:

i) Effective date of ownership change;

ii) Requesting entity's full legal name;

iii) The state of incorporation, if a corporation;

iv) The address and phone number of contact person; and

v) A description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this certification.

34. Except as may be modified by any preceding conditions, all certification actions are contingent on:

i) The discharge being limited to and all proposed mitigation being completed in strict compliance with Caltrans's Project description and CEQA documentation, as approved herein; and

vi) 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.

35. 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 certification 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 certification, and Caltrans may be subject to Regional Water Board enforcement actions.

36. The authorization of this certification for any dredge and fill activities expires on March 25, 2021. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Condition 2 and 3 are requirements for information and reports. Any requirement for a report made as a condition to this certification is a formal requirement pursuant to California Water Code 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 certification, 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 Scientist, Brandon Stevens at (707) 576-2377, or via e-mail, at Brandon.Stevens@waterboards.ca.gov, if you have any questions.

Matthias St.John
2016.03.25
13:52:10 -07'00'

Water Boards

Matthias St. John
Executive Officer

160325_BDS_dp_CDOT_MEN128&256_Culvert_401

Original to: Mr. Sebastian Cohen, Caltrans, District 1, 1656 Union Street, Eureka, CA 95501 Sebastian.Cohen@dot.ca.gov

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