
North Coast Regional Water Quality Control Board

June 9, 2016

In the Matter of
Water Quality Certification
for the
Sierra Pacific Dock Maintenance Dredging Project

APPLICANT: Sierra Pacific Industries
RECEIVING WATER: Humboldt Bay
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit, No. 110.00
COUNTY: Humboldt
FILES: Eureka Forest Products - Sierra Pacific Dock,
ECM PIN CW-765538, WDID No. 1B05028WNHU

FINDINGS BY THE EXECUTIVE OFFICER:

1. On December 8, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Sierra Pacific Industries (Applicant) requesting Federal Clean Water Act (CWA), section 401 Water Quality Certification (certification) for the Sierra Pacific Dock Maintenance Dredging Project (Project).
2. **Public Notice:** Information describing the Project was noticed for public comment on the Regional Water Board's website on March 29, 2016. We received comments from one interested party related to sediment dioxin concentrations. Regional Water Board staff considered the comments and did not find that the in situ dioxin concentrations would present a threat to water quality in the context of the proposed Project.
3. **Receiving Waters:** The proposed Project will cause disturbances to Humboldt Bay at approximate latitude 40.7945, longitude -124.187.

- 4. Project Description:** The purpose of the Project is to restore and maintain depth in the moorage area of the Eureka Forest Products dock at 1206 W. 14th St. in the City of Eureka. No more than 13,000 cubic yards of sediment would be removed to approximately -35 feet Mean Lower Low Water within an approximately 1.25-acre area adjacent the existing dock (extending from the dock 126 feet to the south, 100 feet to the north, and 80 feet west).

The Regional Water Board authorized similar dredging activities by issuing certification on August 10, 2006, and again on June 29, 2011. Despite the certifications, the dredging activities were not performed and the most recent certification expires June 29, 2016; this certification replaces the certification issued June 29, 2011.

The following description of operations has been provided by the Applicant as the likely procedure for dredge material removal that would be employed by the contractor. A barge-mounted crane would be fitted with a closed clamshell bucket, which would be opened and lowered until it contacts the bay floor. The clamshell would close, containing the sediment and some bay water. The crane would place dredged material directly into dump trucks positioned on the dock. A person situated on the dock would assist the crane operator in aligning the clamshell bucket with the truck bed to minimize spillage. Truck beds would be sealed or lined in an effort to minimize leakage. The crane operator would allow the bucket to drain for a short time before swinging back over the water for another scoop. Once filled, the truck would transport the dredged material to a lined basin constructed on an upland parcel. The basin would be lined to prevent percolation of bay water to groundwater. A ramp would be constructed at the basin's perimeter berm to allow the truck to be positioned such that the material can be delivered into the basin without spilling. Dredge spoils will be transported to a permitted facility for permanent disposal.

If the selected contractor proposes to place the dredged material on the barge before transferring to the dump trucks, Sierra Pacific shall submit a proposal detailing the procedures and facilities to contain all water and sediment on the barge, subject to review and acceptance by Regional Water Board staff.

- 5. Construction Timing:** The applicant has proposed to conduct dredging activities sometime between June 30, 2016, and June 30, 2024.
- 6. Project Impacts:** The proposed Project would result in approximately 1.25 acres of temporary impacts to Humboldt Bay as a result of dredging 13,000 cubic yards of sediment. Eelgrass is not currently located within the dredging footprint.
- 7. Mitigation for Project Impacts:** Because Project implementation would result in no permanent impacts to jurisdictional waters and eelgrass will be avoided, compensatory mitigation is not required.

8. **Other Agency Permits:** The Applicant has applied to the United States Army Corps of Engineers for an Individual Permit, pursuant to CWA, section 404. The Applicant was issued a Biological Opinion from the National Oceanic and Atmospheric Administration (NOAA) on August 9, 2010 (file no. 2010/02731).
9. **CEQA Compliance:** As lead agency, the Humboldt Bay Harbor, Recreation and Conservation District prepared a Mitigated Negative Declaration for the Project (SCH 2006052166) in order to comply with the California Environmental Quality Act.
10. **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.
11. 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. The Order may be accessed at this web address:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Receiving Water:	Humboldt Bay	
Dredging Impacts:	Temporary impacts to waters of the U.S.:	1.25 acres, 13,000 cubic yards
Latitude/Longitude:	40.7945, -124.187 ¹	
Certification Expiration:	June 9, 2021	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sierra Pacific Dock Maintenance Dredging Project (WDID No.

¹ WGS84 datum

1B05028WNHU) 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 certification apply to the Applicant (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. Dredge material shall be dewatered in a manner that does not result in percolation or other form of water discharge to ground or surface waters. Basins used for containing dredge material shall be lined with an impervious membrane.
2. No more than 13,000 cubic yards of dredge material is authorized for removal under this certification.

Project-Specific Conditions Requiring Reports

3. If dredged material is placed on a barge prior to transfer to dump trucks, the Applicant shall submit a proposal, subject to review and acceptance by Regional Water Board staff, detailing the procedures and facilities to contain all water and sediment on the barge.
4. All dredge material spoils shall be disposed of at an appropriately-permitted waste disposal facility. The Applicant shall demonstrate proper disposal of dredge materials by submitting copies of all disposal manifests to the Regional Water Board on a monthly basis. Disposal manifests for a given month shall be submitted by the 15th of the following month; for instance, disposal manifests for material disposed of in August would be provided to the Regional Water Board by September 15th.
5. The Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of initial dredging.
6. All Project work shall be conducted as described in this certification and in the application submitted by the Applicant. The Regional Water Board shall be notified prior to Project implementation if the dredging procedure differs from the procedure described in certification Finding No. 4. A change in dredging procedure is subject to the acceptance of Regional Water Board staff and may require a certification amendment. 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 the Applicant may be subject to Regional Water Board enforcement actions.

Standard Conditions

7. 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.
8. 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.
9. 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. The total application fee is \$600. The Regional Water Board received \$600 from the Applicant on December 11, 2015.
10. This certification will be subject to annual billing during the dredging phase (“Annual Active Discharge 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. The annual fee for this Project is \$2,730, which will be automatically invoiced to the Applicant.
11. The Applicant shall contact the Regional Water Board at the end of dredging activities to request termination of the Annual Active Discharge Fee and to receive a “Notice of Completion of Discharges Letter.” The Applicant may be required to submit a completion report at the end of dredging activities. Regional Water Board staff may request site visits at the end of each Project phase to confirm Project status and compliance with this certification.
12. 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.
13. All Project activities shall comply with all applicable water quality standards as detailed in the Basin Plan.
14. BMPs shall be implemented to control possible dredge spoil sediment discharges. BMPs shall be implemented and in place at commencement of, during and

after dredge spoil handling activities or any other Project activities that could result in 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.

15. 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 certification, 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.
16. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
17. 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.
18. Prior to implementing any change to the Project that may be a material change as defined in California Water Code section 13260(c) as a proposed change in character, location, or volume of the discharge, the Applicant shall obtain prior written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of the material change to the discharge, it will be considered a violation of this certification, and the Applicant may be subject to Regional Water Board enforcement action(s).
19. The Applicant shall provide a copy of this certification 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.
20. 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.

21. 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.
22. 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.
23. 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 certification by letter and shall email a copy of the letter to the following email address: NorthCoast@waterboards.ca.gov.

The successor-in-interest shall email the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov to request authorization to discharge dredged or fill 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.
24. 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 the Applicant'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 Water Quality Control Plan for the North Coast Region (Basin Plan), and amendments thereto.
25. The authorization of this certification for any dredge and fill activities expires on June 9, 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.

Conditions 3-6 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.

If you have any questions or comments, please call Brendan Thompson of my staff, at (707) 576-2699, or via e-mail at Brendan.Thompson@waterboards.ca.gov.

Matthias St. John
Executive Officer

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