



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

CIWQS Place No. 726987 (BT)
401 Database Site No. 02-41-C0615

Sent via electronic mail: No hard copy to follow

California Department of Transportation
Attn: Mr. Peter Aguilera
Peter_Aguilera@dot.ca.gov
111 Grand Ave.
Oakland, CA 94612-3717

**Subject: Water Quality Certification for the Pullman Ditch Improvement Project,
Unincorporated San Mateo County**

Department Project No.: EA 0F0901

Dear Mr. Aguilera:

We have reviewed and hereby issue water quality certification to the California Department of Transportation (Department) for the project referenced above (hereinafter Project). The Department has applied to the U.S. Army Corps of Engineers (Corps) for Nationwide Permit No. 13, *Bank Stabilization*, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). As such, the Department has applied to the Water Board for a Clean Water Act Section 401 water quality certification that the Project will not violate State water quality standards.

Project: The Department proposes to stabilize a portion of the channel and northern bank of Pullman Ditch. Additionally, the Department will replace the drainage connection between the State Route 1 (SR 1) cross culverts and Pullman Ditch.

Pullman Ditch begins immediately west of SR 1. Currently, the alignment of Pullman Ditch is offset from the SR 1 cross-culvert that conveys flows from the eastern side of SR 1. Because of this offset, a drop inlet, 900 millimeter concrete culvert, and flared end section drainage system currently discharge flows perpendicularly from the SR 1 cross-culverts outlet to Pullman ditch. As a result of the perpendicular discharge, the bank of Pullman Ditch opposite the drainage outlet has been severely eroded. The Department's proposal to repair this drainage system has been encouraged by the adjacent property owner who is losing land as a result of the erosion.

The Department proposes to replace the existing 900 mm culvert and flared end section with a 900 mm plastic pipe that will discharge to a new drain inlet. The new drain inlet will discharge directly into the active channel of Pullman Ditch.

The Department proposes to excavate and rebuild approximately 72 linear feet of the right ditch bank. The bank will be fortified with horizontal layers of plastic grids (i.e., geogrid) and backfilled and compacted with soil and concrete. Rock slope protection will be keyed into the toe of the slope in approximately 13-foot segments at the up and downstream segments of the Project reach.

Additionally, the Department will construct a grade control “vortex” ¼-ton rock weir at the downstream segment of the Project limits. The weir elevation of this check dam will match the flowline out of the drainage inlet upstream. The purpose of the vortex weir is to reduce the potential scour along the side banks of the channel by directing the flow to the center and control the grade at the end of the repair section.

Impacts: Project implementation will result in the permanent fill of approximately 102 linear feet (0.03 acres) of jurisdictional waters as a result of the drainage system replacement, bank reconstruction, RSP placement, and vortex weir construction. Approximately 20 linear feet (0.004 acres) of jurisdictional waters will be temporarily impacted as a result of construction access.

Mitigation: Because the Department is repairing the drainage system to eliminate excessive erosive conditions, and because all disturbed areas shall be revegetated using native plant and shrub species, additional mitigation shall not be required for this activity.

CEQA Compliance: In January 2006, the Department found that the project was categorically exempt from CEQA pursuant to 14 CCR § 15301, existing facilities.

The Water Board finds that a categorical exemption is appropriate for this Project because there are not foreseen successive projects of the same type and in the same place that may cause a cumulative impact; and, unusual circumstances are not present that may render a significant environmental effect as a result of Project implementation.

Wetland Tracking System: The Water Board tracks routine riparian repair and creek maintenance projects in an effort to detect potential systemic instabilities and document project performance in the creeks of the Bay Area. As such, the Applicant is required to submit a Riparian Repair and Maintenance Wetland Tracker short form describing Project size, type, and performance measures. An electronic copy of the short form and instructions can be downloaded at: <http://www.waterboards.ca.gov/sanfranciscobay/certs.shtml>. Project information will be made available at the web link: <http://wetlandtracker.org>.

Certification: I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water

Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. 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 following conditions are associated with this certification:

1. The Department shall adhere to the Standard conditions imposed by Nationwide Permit No. 13, issued to the Department by the Corps;
2. No equipment shall be operated in areas of flowing or standing water; no fueling, cleaning or maintenance of vehicles or equipment shall take place within jurisdictional waters or within any areas where an accidental discharge to waters of the State may occur;
3. Except as expressly allowed in this Certification, the discharge, or creation of the potential for discharge, to waters of the State of any construction wastes and/or soil materials including cement, fresh concrete, or washings thereof, silts, clay, sand, oil or petroleum products and other organic materials to waters of the State is prohibited;
4. Erosion control measures shall be utilized throughout all phases of construction where sediment runoff from disturbed areas threatens to enter waters of the State. At no time shall silt-laden runoff be allowed to enter waters of the State;
5. All areas disturbed during construction shall be immediately re-vegetated with a California native seed mix;
6. The Applicant is required to use the Riparian Repair and Maintenance Wetland Tracker short form to provide Project information within 14 days from the date of this certification. The completed short form and map showing the project boundaries shall be submitted electronically to wetlandtracker@waterboards.ca.gov or shall be submitted as a hard copy to both: 1) The Water Board (see the address on the letterhead), to the attention of Wetland Tracker; and 2) The San Francisco Estuary Institute, 7770 Pardee Lane, Oakland, CA 94621-1424, to the attention of Mike May;
7. This certification does not allow for the take, or incidental take, of any special status species. To avoid adverse impacts to special-status species, the Department shall:
 - a. Conduct all construction activities between July 1 and October 15;
 - b. Divert all flows around the construction area prior to construction commencement;
 - c. Ensure a qualified biologist conducts a pre-construction survey for special-status species no more than a day before construction begins;

- d. Ensure a qualified biologist monitors all construction activities and inspects the project area before the onset of construction each day; and,
 - e. Install environmentally sensitive area fencing with accompanying silt fence keyed-in around the perimeter of the Project area;
8. The Department shall maintain a copy of this water quality certification at the Project site so as to be available at all times to site operating personnel. It is the responsibility of the Department to assure that all personnel (employees, contractors, and subcontractors) are adequately informed and trained regarding the conditions of this certification;
 9. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code (CWC) and Section 3867 of Title 23 of the California Code of Regulations(23 CCR);
 10. This certification action does not 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 California Code of Regulations (CCR) Title 23, Subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought; and,
 11. Certification is conditioned upon total payment of the full fee required in State regulations (23 CCR Section 3833). Water Board staff received full payment of \$640.00 on January 15, 2009.

We anticipate your cooperation in implementing these conditions. However, please be advised that any violation of water quality certification conditions is a violation of State law and subject to administrative civil liability pursuant to California Water Code (CWC) section 13350. Failure to respond, inadequate response, late response, or failure to meet any condition of this certification may subject you to civil liability imposed by the Water Board to a maximum of \$5,000 per day per violation or \$10 for each gallon of waste discharged in violation of this certification.

Condition 6 is a requirement for submission of a report. Any requirement for a report made as a condition to this action is a formal requirement pursuant to CWC section 13267, and failure or refusal to provide, or falsification of such required report is subject to civil liability as described in CWC section 13268.

We anticipate no further action on this request. Should new information come to our attention that indicates a water quality problem with this project, the Water Board may issue Waste Discharge Requirements pursuant to 23 CCR Section 3857.

If you have any question, please contact Brendan Thompson at (510) 622-2506, or via e-mail to BThompson@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

cc (via e-mail): Mr. Bill Orme SWRCB-DWQ
Mr. Hal Durio, Regulatory Branch, USACE
Ms. Jane Hicks, Regulatory Branch, USACE
Ms. Laurie Monarres, Regulatory Branch, USACE
Mr. Mark D'Avignon, Regulatory Branch, USACE
Mr. Dale Bowyer, Water Board
Ms. Melissa Escaron, Fish and Game, Yountville
Mr. Hardeep Takhar, Caltrans
Mr. David Smith, USEPA