
Central Valley Regional Water Quality Control Board

1 December 2017

Kevin Ingram
City of Lakeport
225 Park Street
Lakeport, CA 94593

CERTIFIED MAIL
91 7199 9991 7035 8418 2697

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CITY OF LAKEPORT, LAKESHORE BOULEVARD BANK STABILITY PROJECT (WDID#5A17CR00139A1), LAKE COUNTY

This Order responds to the 26 October 2017 request for an amendment of the Lakeshore Boulevard Bank Stability Project (Project) Section 401 Water Quality Certification WDID#5A17CR00139. The original Water Quality Certification (Certification) was issued on 30 January 2017. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

REASON FOR AMENDMENT:

The City of Lakeport is requesting to increase the project area to include an additional 123 feet of rock shore protection immediately north of the northern project limit due to damage caused by severe storms and flooding last winter. The increase will impact an additional 0.07 acre/123 linear feet of waters of the United States. In addition, the City of Lakeport requests to extend the work period to 31 January and to revise incorrect impacts to waters of the state.

The City of Lakeport has provided documentation from the California Department of Fish and Wildlife (Streambed Alteration Agreement# 1600-2015-0176-R2) authorizing in-water construction activities to work from 1 September to 31 January 2018.

The Certification is amended as shown in underline/strikeout format in Attachment A.

APPLICATION FEE RECEIVED:

A fee amount of \$720.00 was received on 16 October 2017 and \$276.00 on 16 November 2017 for this amendment. Total fees of \$2,295.00 for the original Certification were received on 6 August 2015.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Peter Minkel, Engineering Geologist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-8114
PeterG. Minkel@waterboards.ca.gov
(916) 464-4684

PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 27 October 2017 to 17 November 2017. The Central Valley Water Board did not receive any comments during the comment period.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that this project meets the Categorical Exemption, under § 15302 of the California Code of Regulations, which exempts replacement or reconstruction projects.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Lakeshore Boulevard Bank Stabilization Project (WDID#5A17CR00139). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original signed by Adam Laputz for

Pamela C. Creedon
Executive Officer

Enclosure: Project Information

ccs: next page

cc: [Via email only] (w/enclosure)

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Bill Jennings
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Central Valley Regional Water Quality Control Board

30 January 2017

ATTACHMENT A

Kevin Ingram
City of Lakeport
225 Park Street
Lakeport, CA 94593

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CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CITY OF LAKEPORT, LAKESHORE BOULEVARD BANK STABILITY PROJECT (WDID#5A17CR00139), LAKE COUNTY

This Order responds to the 12 August 2015 application submitted by the City of Lakeport for the Water Quality Certification of the Lakeshore Boulevard Bank Stabilization Project (Project), permanently impacting 0.03 0.10 acre/520 643 linear feet of waters of the United States, ~~and permanently impacting 0.10 acre/520 linear feet of waters of the state.~~

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #13 (SPK-2015-00723) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.
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 Section 3855(b) of the California Code of Regulations, 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 any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.

4. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors)

performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) during the entire duration of surface water diversions;
 - c) in the event that Project activities result in any materials reaching surface waters; or
 - d) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
- i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity and settleable matter or other water quality objectives are exceeded.
7. Activities shall not cause visible oil, grease, or foam in the receiving water.
8. Work shall occur during periods of low water level (i.e., water level shall be below the construction area) and no precipitation.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
12. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
13. All areas disturbed by Project activities shall be protected from washout and erosion.
14. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
15. Any hydroseeding shall be performed with California native seed mix.
16. All materials resulting from the Project shall be removed from the site and disposed of properly.
17. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
18. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Nationwide Permit #3, or the California Department of Fish and Wildlife Streambed Alteration Agreement.
19. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Lake or Streambed Alteration Agreement No. 1600-2015-0176-R2.
20. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information

Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

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 state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
- (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

NOTIFICATIONS AND REPORTS:

22. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
23. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Peter Minkel, Engineering Geologist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
PeterG.Minkel@waterboards.ca.gov
(916) 464-4684

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that this project meets the Categorical Exemption, under § 15302 of the California Code of Regulations, which exempts replacement or reconstruction projects.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the City of Lakeport's, Lakeshore Boulevard Bank Stabilization Project (WDID#5A17CR00139) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the City of Lakeport application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016.

Original Signed By Adam Laputz for:

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 12

PROJECT INFORMATION SHEET

Application Date: 12 August 2015

Applicant: City of Lakeport
225 Park Street
Lakeport, CA 95453

Applicant Representative: Kevin Ingram
225 Park Street
Lakeport, CA 95453

Project Name: Lakeshore Boulevard Bank Stabilization

Application Number: WDID#5A17CR00139

Date on Public Notice: 14 August 2015

Date Application Deemed Complete: 4 March 2016

Type of Project: Bank and Channel Modification-Restoration Bank Stabilization

Approved Months of Project Implementation:

The Project will be constructed ~~1 June to 31 October~~ 1 June through 31 January as directed by the Department of Fish and Wildlife.

Project Location: Section 13, Township 14 North, Range 10 East, MDB&M.
Latitude: 39°03'26.41"N and Longitude: 122°54'47.58" W

County: Lake County

Receiving Water(s) (hydrologic unit): Upper Cache Creek, Sacramento Hydrologic Basin, Cache Creek Hydrologic Unit #513.53, Lakeport HSA

Water Body Type: Lake

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or

Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments:

Clear Lake is the receiving water for the Lakeshore Bank Stabilization Project. Clear Lake is on the 303(d) list for mercury and nutrients. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to Clear Lake. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml.

Project Description:

The Lakeshore Boulevard Bank Stabilization Project (Project) is located on Lakeshore Boulevard between Sayre Street and Jones Lange Street in the City of Lakeport. The Project consists of repairing storm damage to the existing rock slope protection (RSP) located on the eastern edge of Lakeshore Boulevard caused by wave action. The Project involves removing and replacing the existing roadway embankment RSP. Approximately ~~2,800~~ 3,500 cubic yards of RSP will be removed and hauled to the City of Lakeport Corporation yard recycle area where it will be converted to usable aggregate and utilized by the City of Lakeport Roads Division. An engineered Geocell confinement system filled with 1-1/2-inch base rock and willow plantings will replace the RSP. Installation of the Geocell confinement system will impact ~~0.03~~ 0.10 acre/~~520~~ 643 linear feet of waters of the United States.

Additional project activities adjacent to the lake will include minor curb and gutter repair, hot mix asphalt paved walkway, through curb drains and vegetated rock slope protection. These additional project activities are not within the waters of the United States and will not impact waters of the United States.

The work will be done when the lake level is below the work area. No dewatering will occur within the Project area. No wet concrete will be placed into Clear Lake. The Project will permanently impact ~~0.03~~ 0.10 acre/~~520~~ 643 linear feet of waters of the United States, ~~and permanently impact 0.10 acre/520 linear feet of waters of the state.~~

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted in dry conditions when lake levels are below the work area. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and settleable matter testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: Approximately ~~85~~ 3,500 cubic yards of riprap will be excavated from ~~0.03~~ 0.10 acre of lake shore.

Approximately ~~85~~ 3,500 cubic yards of Geocell confinement system riprap filled with 1-1/2-inch base rock will be placed into ~~0.03~~ 0.10 acre of lake shore.

California Integrated Water Quality System Impact Data: The Project will permanently impact ~~0.03~~ 0.10 acre/~~520~~ 643 linear feet of lake habitat from fill/excavation activities.

Table 2: Impacts from Fill and Excavation Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Lake	--	--	--	0.03 <u>0.10</u>	85 <u>3,500</u>	520 <u>643</u>	--	--	--

United States Army Corps of Engineers File Number: SPK-2015-00723

United States Army Corps of Engineers Permit Type: Nationwide Permit # 13

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: 1600-2015-0176-R2

Possible Listed Species: Clear Lake Hitch, Sacramento Perch, Western Pond Turtle, Tricolored Blackbird, Yellow-headed Blackbird, and North American River Otter.

Status of CEQA Compliance: The Central Valley Water Board has determined that this project meets the Categorical Exemption, under § 15302 of the California Code of Regulations, which exempts Replacement or Reconstruction projects.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) days of the date of this Certification.

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the Lakeshore Boulevard Stabilization Project.

Application Fee Provided: Total fees of \$2,295.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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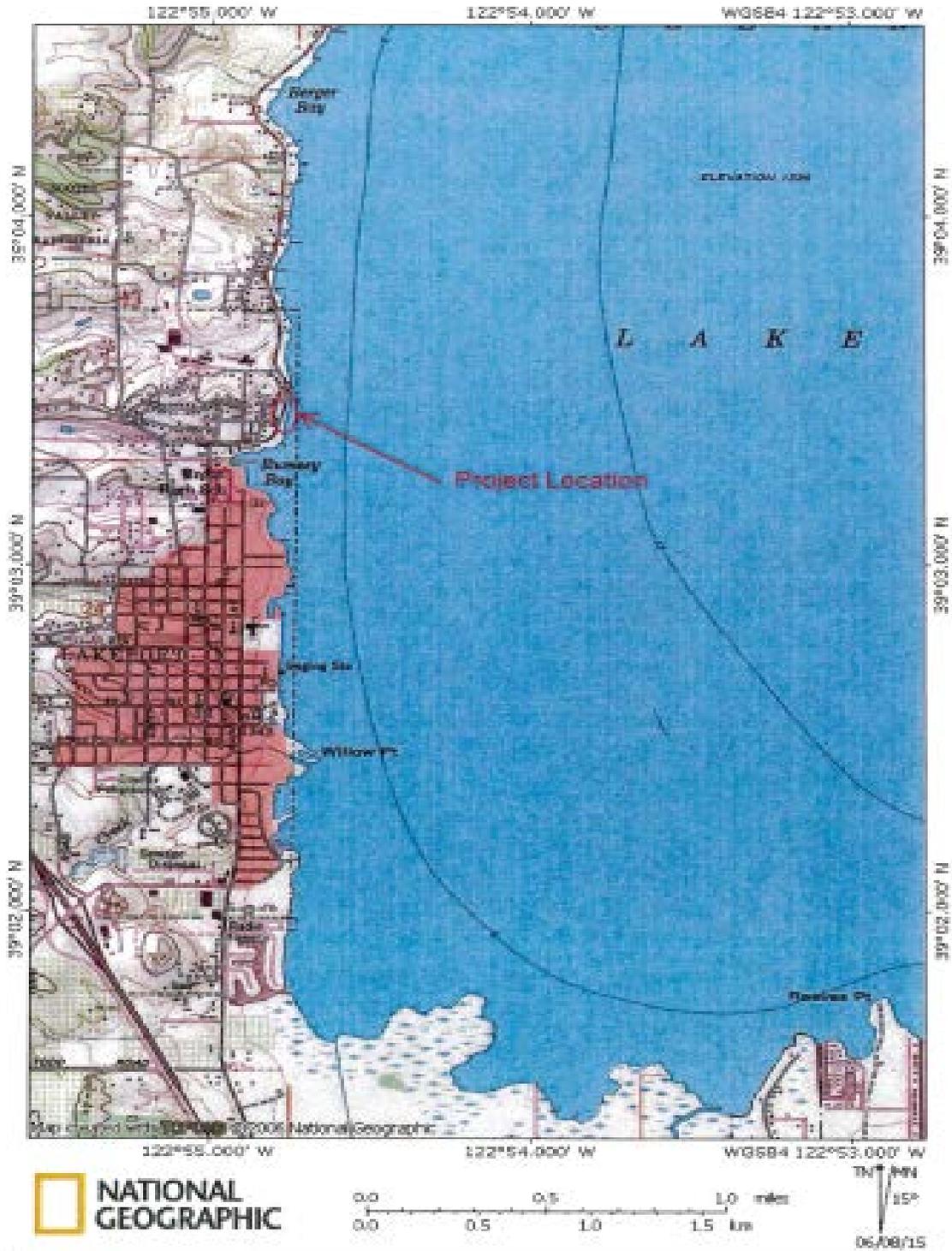


Figure 1 – Project Location Map



Figure 2 Site Map