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Water Boards

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ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

29 January 2015

Jerry Snow
California Department of Water Resources
1416 9th Street
Sacramento, CA 95814

CERTIFIED MAIL
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CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT OF WATER RESOURCES, HOUSTON CANAL AND WEST CANAL EROSION REPAIR AND ROAD GRADING PROJECT (WDID#5B07CR00168),CONTRA COSTA COUNTY

This Order responds to the 10 April 2015 application submitted by the California Department of Water Resources (Applicant) for the Water Quality Certification of the Houston Canal and West Canal Erosion Repair and Road Grading Project (Project), permanently impacting 0.0062 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #13 (SPK-2015-00375) under § 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 § 13330 of the California Water Code and § 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 § 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 § 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 This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.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) in the event that project activities result in any materials reaching surface waters; or
   c) when any activities result in the creation of a visible plume in surface waters.

   The sampling requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of 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 June 2015 (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.

      Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

   b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.

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. In-water work shall occur during periods of low flow (i.e., water level is below the construction area) and no precipitation.

8. Activities shall not cause visible oil, grease, or foam in the receiving water.

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. All materials resulting from the project shall be removed from the site and disposed of properly.

16. 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.

17. 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 Houston Canal and West Canal Erosion Repair and Road Grading 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 #13, or the California Department of Fish and Wildlife Streambed Alteration Agreement.

18. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Lake or Streambed Alteration Agreement No. 1600-2015-0111-R3.

19. If construction activities result in waste water discharges to land, the Applicant shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs).

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.

22. The Applicant shall provide evidence of all on-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, creation or restoration of 0.0062 acre of stream bed habitat, or as required by the United States Army Corps of Engineers.

NOTIFICATIONS AND REPORTS:

23. 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.

24. 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:

Stephanie Tadlock
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that this project meets the Categorical Exemption under § 15301 and § 15304 of the California Code of Regulations, which exempts: 1) the repair and maintenance of existing public or private structures or topographical features that does not extend past the existing footprint of the Project area, and 2) minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Water Resources, Houston Canal and West Canal Erosion Repair and Road Grading Project (WDID#5B07CR00168) will comply with the applicable provisions of § 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. 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 California Department of Water Resources' 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 June 2015.

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 13

PROJECT INFORMATION SHEET

Application Date: 10 April 2015

Applicant: California Department of Water Resources
1416 9th Street
Sacramento, CA 95814

Applicant Representative: Analisa Martinez
Department of Water Resources
3500 Industrial Boulevard, 2nd Floor
West Sacramento, CA 95691

Project Name: Houston Canal and West Canal Erosion Repair and Road Grading Project

Application Number: WDID#5B07CR00168

Date on Public Notice: 15 April 2015

Date Application Deemed Complete: 14 May 2015

Type of Project: Bank and Channel Modification

Approved Months of Project Implementation: 1 August through 30 November

Project Location: Section 24, Township 1 North, Range 3 East, MDB&M.
Latitude: 37.0852877°N and Longitude: 121.563624°W

County: Contra Costa County

Receiving Water(s) (hydrologic unit): Houston Canal and West Canal, tributaries of the San Joaquin River, San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (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: The Houston Canal and West Canal are the receiving waters for the Houston Canal and West Canal Erosion Repair and Road Grading Project. The Houston Canal and West Canal are not listed on the 303(d) list; therefore, this project will not impact an impaired water body. The most recent list of approved water quality limited segments is found at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The Houston and West Canal Erosion Repair and Road Grading Project (Project) is located at Clifton Forebay. The Project consists of repairing 13 erosion sites along the levees of Houston Canal and West Canal and access road grading following repair of all erosion sites.

The staging area for equipment used during Project activities will be located at existing staging areas adjacent to Clifton Forebay, located on the southern end of Italian Slough and southern end of West Canal, as shown on Figure 1. Equipment will be moved from the staging area to the repair activity planned for the day, then moved back to the appropriate staging area at the end of the day.

Levee erosion repair sites will be repaired to their original 4:1 slope ratio using native soil and 12-inch riprap or greater to reinforce the bank and levee. Approximately 20 cubic yards of riprap will be placed below the ordinary high water mark to repair the levee erosion. Road grading will occur along the levee road along Houston Canal and West Canal. Grading will occur within the existing footprint of the levee road extent and will not involve widening or lengthening the existing road. New aggregate base will be applied only on the driving surface of the road. New v-ditches may be cut along roadway margins as needed to perform as temporary runoff facilities for the newly graded road. Levee erosion repairs and grading activities will impact 0.0062 acre of waters of the United States.

Riprap reserved for use during local repair Projects will be used for the Project. Riprap will be washed using a water cannon mounted on a water truck located adjacent to the bed of the dump truck transporting the riprap. Riprap washing will occur within the truck bed. Minimal runoff is expected. Wash water will be contained on land and not discharged into surface waters. Discharge of wash water into surface waters is not permitted by this Certification.

No dewatering will occur within the Project area. Wet concrete will not be placed in waters of the United States. Work will be performed during low tide when the water level is below the construction area. The Project will permanently impact 0.0062 acre of waters of the United States.

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. The Applicant will conduct turbidity and settleable matter testing during in-water work, stopping 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 20 cubic yards of riprap will be placed into 0.0062 acre of stream bed habitat (waters of the United States).

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.0062 acre of stream bed from fill activities.

Table 2: Impacts from Fill 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
Stream Channel	-	-	-	0.0062	-	-	-	-	-

United States Army Corps of Engineers File Number: SPK-2015-00375

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

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: 1600-2015-0111-R3

Possible Listed Species: None

Status of CEQA Compliance: The Central Valley Water Board has determined that this project meets the Categorical Exemption, under § 15301 and § 15304 of the California Code of Regulations, which exempts: 1) the repair and maintenance of existing public or private structures or topographical features that does not extend past the existing footprint of the Project area, and 2) minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

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 Applicant shall provide evidence of all on-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited

to, on-site creation or restoration of 0.0062 acre of stream bed habitat, or as required by the United States Army Corps of Engineers.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Stream Channel	-	-	X	0.0062	-	X	-	-	-	-	-

Application Fee Provided: Total fees of $200.00 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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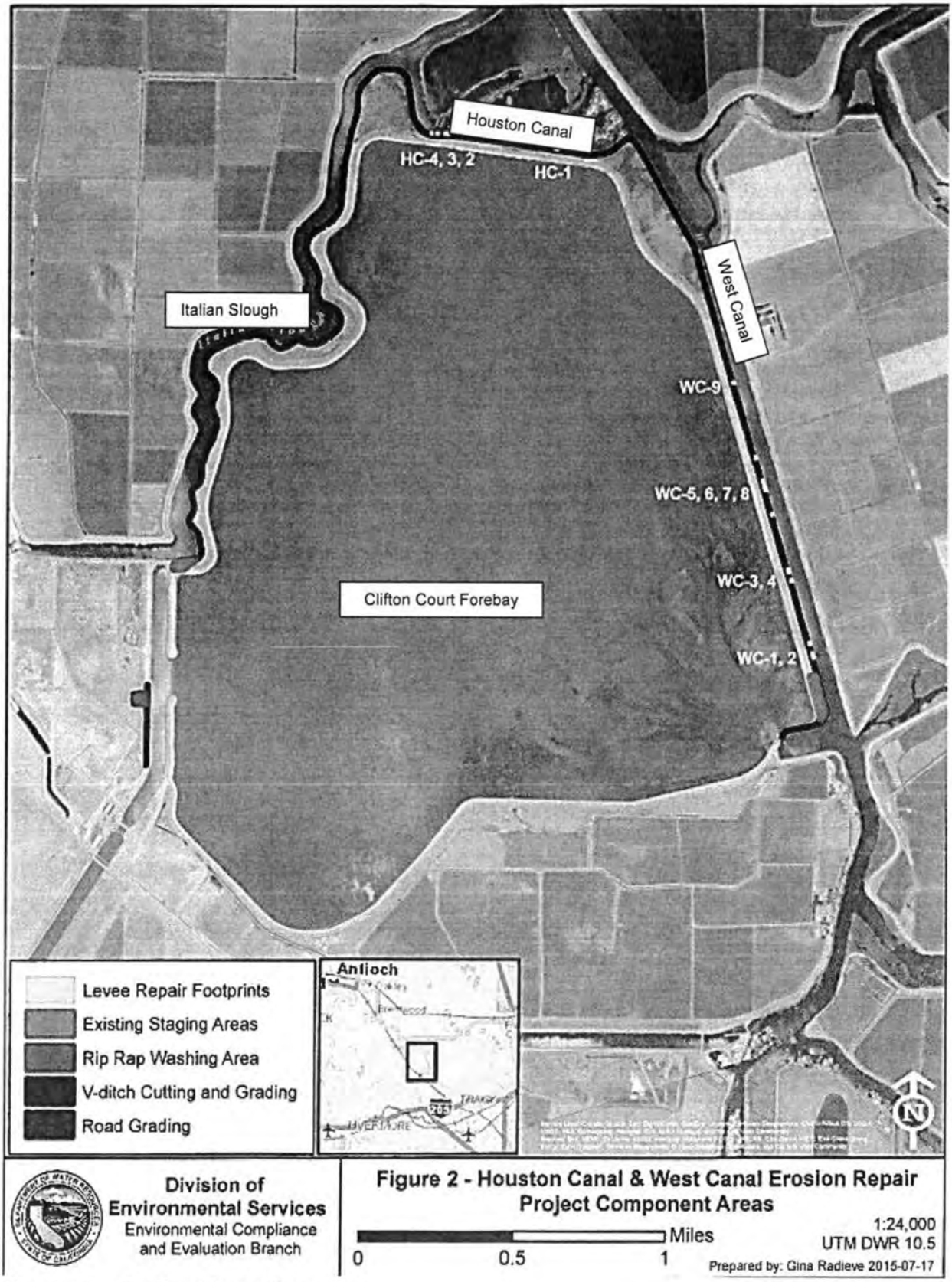

Figure 1 – Project Location Map