

## Lahontan Regional Water Quality Control Board

August 21, 2014

Dave Ernaga  
Lassen County Public Works  
707 Nevada Street, Suite 4  
Susanville, CA 96130

### **BOARD ORDER NO. R6T-2014-0073, FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR MAPES LANE BRIDGE 7C-02 REPLACEMENT PROJECT, LASSEN COUNTY, WDID 6A181203005**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee from the Lassen County Public Works Department (Applicant) for the Mapes Lane Bridge 7C-02 Replacement Project (Project) in Lassen County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A181203005. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### **PROJECT DESCRIPTION**

#### **Table of Project Information:**

WDID Number	6A181203005
Applicant	Lassen County Public Works 707 Nevada Street, Suite 4 Susanville, CA 96130 Attn: Dave Ernaga
Agent	None
Project Name	Mapes Lane Bridge 7C-02 Replacement Project

**Table of Project Information continued:**

Project Purpose and Description	<p>Replace existing 115 feet-long bridge with new bridge 120 feet long by 35.33 feet wide, 47 pile and concrete slab bridge in the same location and alignment. The new bridge will be approximately 3 feet higher than the old bridge in addition to being 5 feet longer. The channel/slough is generally dry as it has no surface connection to the nearby branches of the Dill Slough irrigation complex, though during wet years, it drains major flood overflows from and back into branches of Dill Slough. The channel/slough will be widened by approximately 5 feet, which will necessitate excavation of approximately 320 cubic yards (60 cy below ordinary high water) of soil and sediment from the channel sides and bottom. There will be a temporary diversion of the channel so that the work area will be free of any water. The 14-inch diameter steel piles, each 60 to 70 feet long, will be driven into the bed of the channel and excavated area. Rip-rap will be placed around the abutments, which will be below the elevation of ordinary high water. A temporary detour will be constructed north of the bridge replacement area. Once the new bridge is completed, the temporary detour and channel diversion will be removed, and the area will be graded to the original ground contours and reseeded with the native vegetation.</p>						
Project Type	Transportation – Bridges, Overpasses and Crossings						
Project County	Lassen						
Project Address or other Locating Information	6.5 miles southeasterly from the town of Standish on County Road 302 (Mapes Lane)						
Location Latitude/Longitude	Latitude: 40.337778 Longitude: -120.336685						
Hydrologic Unit(s)	Hydrologic Unit, 637.00						
Overall Project Area	4.5 acres						
Receiving Water(s) Name	Dill Slough/Susan River						
Water Body Type(s)	Slough/river						
Designated Beneficial Uses	MUN, AGR, IND, GWR, FRSH, NAV, REC-1, REC-2, COMM, WARM, COLD, WILD, MIGR, SPWN						
Potential Water Quality Impacts	Discharge of building materials, such as concrete, into the slough from Project implementation.						
Area of Water(s) within the Overall Project Area	0.1 acre						
Impacts of Fill to Waters of the State, including Waters of the U.S. (WOUS)	<b>Waterbody Type</b>	<b>Permanent</b>			<b>Temporary</b>		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>	0.007	40	54	0.02	40	350
<i>Wetland</i>							

**Table of Project Information Continued:**

Impacts of Dredging (Excavation) to Waters of the State, including WOUS	Waterbody Type	Permanent			Temporary		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>	0.22	40	350			
	<i>Wetland</i>						
	<b>Total</b>	<b>0.227</b>	<b>80</b>	<b>404</b>	<b>0.02</b>	<b>40</b>	<b>350</b>
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under a Nationwide Permit 14, pursuant to Clean Water Act section 404.						
Non-Compensatory Mitigation	Project implementation will occur during the time that the channel is dry. Best Management Practices (BMPs) will be employed on the site at all times, and throughout construction, include concrete waste management and paving and grinding operations.						
Compensatory Mitigation	0.07 acres of additional channel area will be created.						
Applicable Fees	\$1,699						
Fees Received	\$1,699						

**CEQA COMPLIANCE**

The Water Board has determined that this Project is exempt from the CEQA (Public Resources Code Section 21000 et seq.). In accordance with Section 15302, the basis for CEQA exemption is "Replacement and Reconstruction." A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

**SECTION 401 WATER QUALITY CERTIFICATION****Authority**

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and the fees required for WQC under Section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under Nationwide Permit No. 14 pursuant to CWA section 404.

California Code of Regulations (CCR) title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

**Standard Conditions**

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) 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 must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.
5. The Project must be constructed and operated in accordance with the Project described in the application for WQC that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.
6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
7. The 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, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any

more specific conditions in this certification, the Project must be constructed and operated in a manner consistent with all 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.

8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the Applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the Project authorized under this certification.

### **Additional Conditions**

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. No debris, cement, concrete (or wash water therefrom), oil or petroleum products must enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from the Project work area, and from any areas adjacent to the work area where such material may be transported into waters of the state.
2. Restoration of temporary disturbances and temporary discharges of fill to waters of the state must be achieved **within three months** of completing work in the area of the temporary impact. Initial restoration must include implementing measures to fully restore conditions to support all beneficial uses for the waterbody temporarily impacted in the shortest feasible time. Restoration must include, but is not limited to, grading to pre-project contours and revegetation with native species. The Applicant must implement BMPs to control erosion and runoff from areas associated with temporary fills.
3. The Applicant must immediately notify Water Board staff by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the Water Board within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.

4. The Applicant must ensure that contractor employs necessary measures to prevent the introduction or spread of noxious/invasive weeds within the Project and staging area. These measures may include the treatment of on-site infestations, the cleaning of all equipment and gear that has been in an infested site with water heated to at least 120° Fahrenheit, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of disturbed areas.
5. Wetland areas near Project area and staging area that will be avoided must be protected by colored construction fencing or equivalent barriers
6. Construction equipment must be clean and free from oil, grease and loose metal material, monitored for leaks, and removed from service if necessary to protect water quality.
7. **A Spill Response Plan** must be prepared prior to initiating any work. The plan must describe measures to respond to the range of potential spills, including appropriate resources (such as on-call contractors) and emergency contact numbers to respond to large spills in a timely manner. All vehicles and equipment carrying accessory fueling containers must have a spill kit on board.
8. The Applicant must permit Water Board staff or its authorized representative upon presentation of credentials:
  - a. Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which record are kept.
  - b. Access to copy any record required to be kept under the terms and conditions of this Order.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
  - d. Sampling of any discharge or surface water covered by this Order.
9. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant must develop and submit a **Surface Water Diversion Plan** to this Water Board. The plan must include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan must be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids must be implemented. These constituents must be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses must be submitted to this Water Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points must be

included with each submittal. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

10. The contractor must be provided this WQC and made aware of all conditions herein.
11. A copy of this Order, Emergency Response Plan, and Surface Water Diversion Plan must be maintained at the Project site or multiple Project site so as to be available at all reasonable times to site operating personnel and Water Board staff.

### **Enforcement**

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), 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.
2. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

### **Section 401 Water Quality Certification Requirements Granted**

I hereby issue an order certifying that any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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), 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 WQC.

Except insofar as may be modified by any preceding conditions, all WQC certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have any questions, please contact Bud Amorfini at (530) 542-5463 or Alan Miller, Chief, North Basin Regulatory Unit, at (530) 542-5430.

  
PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

cc: Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9  
(via email at [R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))  
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