
Central Valley Regional Water Quality Control Board

29 June 2022

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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT, CONTRA COSTA COUNTY ROUTINE MAINTENANCE PROGRAM PROJECT (WDID#5B07CR00218A1), CONTRA COSTA COUNTY

This Order responds to the 23 March 2022 request for an amendment of the Contra Costa County Routine Maintenance Program Project (Project) Section 401 Water Quality Certification (WDID#5B07CR00218). The original Water Quality Certification (Certification) was issued on 3 December 2021. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Contra Costa County Public Works Department is requesting a reduction in the Project scope authorized in the original Certification. Contra Costa County will be seeking a programmatic maintenance Certification for annual, ongoing work as described the Contra Costa County Routine Maintenance Program Manual.

The original Certification scope will be reduced to only identify work completed during the 2022 maintenance year activities, including:

1. Access road maintenance and repair;
2. Access ramp maintenance and repair;
3. Adjacent facility maintenance activities, such as trash racks, flap gates, and culvert inspections;
4. Sediment and/or debris removal at Marsh Creek Reservoir, Dry Creek, Deer Creek Basin, Upper Sand Creek Basin, and Line E1 when capacity of the channel has been reduced to a sub-optimal level;
5. Spall repair and sealing of cracks within concrete channels and dam spillways to repair exiting concrete as needed;

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

6. Energy dissipation and erosion control materials will be used at the culvert outfall if the culvert discharges on an unprotected slope of earthen materials; and
7. Cattail trimming will occur mechanically or by hand to prevent potential loss of flood control channel and sediment basin capacity.

A new culvert maintenance site was added at Piper Road Culvert at Bethel Island.

Total temporary impacts authorized by the Certification will be reduced from 6.16 acres/13,900 linear feet to 1.36 acres/1,360 linear feet.

The Certification is amended as shown below:

1. The Order is amended to reflect the changes to the Project Purpose, description, location, direct, and indirect impacts as follows:

II. PROJECT PURPOSE

The purpose of the Contra Costa County Routine Maintenance Program (CCCRMP) is to provide a comprehensive and consistent approach to conducting routine maintenance activities at the Contra Costa County's Department of Public Works (County) and Contra Costa County Flood Control District's (District) flood control facilities within the Upper Marsh Creek and Marsh Creek watersheds, and Bethel Island. The CCCRMP includes routine maintenance including but not limited to channels, creeks, culverts, bridges, dams, and basins. The CCCRMP provides a comprehensive and consistent approach to maintaining functional integrity and operation capacity of District flood control channels, creeks, culverts, bridges, dams, basins and other facilities owned and managed by the County.

III. PROJECT DESCRIPTION

The CCCRMP includes routine maintenance activities at facilities owned by the County and District, within East Contra Costa County, including waterbodies within the Upper Marsh Creek and Marsh Creek watersheds, and Bethel Island.

Maintenance activities include spraying access roads; spraying slopes of creeks; spraying slopes of basins; aquatic herbicidal spraying; goat grazing; culvert repair/replacement and flushing; sediment and debris removal; cattail trimming; grading access roads and ramps; installation of temporary erosion protection; maintenance of minor structures, including trash racks and flap gates; concrete channel repair; and dam repair (sealing of cracks with epoxy).

IV. PROJECT LOCATION

Address: The Project maintenance sites are within Eastern Contra Costa County, near Brentwood and Antioch.

County: Contra Costa County

Nearest City: Brentwood

Township 1 North, Range 2 East, MDB&M

Routine Maintenance Sites

Marsh Creek: Latitude: 37.964262° and Longitude: -121.683894°

Marsh Creek Dam: Latitude: 37.889441° and Longitude: -121.726491°

Upper Sand Creek Basin: Latitude: 37.941077° and Longitude: -121.718170°

Deer Creek Basin: Latitude: 37.936409° and Longitude: -121.766905°

Line E1: Latitude: 37.959710° and Longitude: -121.705325°

Piper Road Culvert (Bethel Island): Latitude: 38.020719 and Longitude: -121.622257

Maps showing Project locations are found in Attachment A of this Order.

VII. DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE

The County will repair access roads and ramps that are utilized to access the channel. Repair activities include grading and/or resurfacing roads and ramps. Access ramp repair of access ramps below the ordinary high water mark will temporarily impact 0.12 acre/530 linear feet of stream channel habitat.

Maintenance of adjacent facilities such as trash racks, flap gates, and inspection of culverts will be conducted within concrete and earthen bank channels. Log jams or debris that have been captured will be removed from the flap gates and trash racks. Trash rack maintenance typically occurs during the dry season but may occur during the wet season if it gets clogged with debris. Flap gate servicing typically involves clearing debris accumulated behind flap gates inside the drainage outlets by hand or using a vacuum truck stationed on the top of bank to remove the collected material. Flap gates are installed to prevent backflows into the drainpipes to prevent road flooding on the roads above the drainage and flood control channels. Maintenance on these facilities may require trucks and equipment to access ramps below the ordinary high-water mark of the channels.

Sediment and or debris removal will occur at Marsh Creek Reservoir, Dry Creek, Deer Creek Basin, Upper Sand Creek Basin and Line E1 when sediment volume has reduced channel/basin capacity or when localized sediment obstruction has the potential to result in erosion damage. Sediment will be removed using hand tools or mechanized equipment, and either transported or temporarily stockpiled prior to disposal or reuse, provided that appropriate State and federal regulations are met and BMPs are implemented to protect water quality and beneficial uses. The excavated sediment may be stockpiled in an upland area for up to 10 working days within engineered containment areas so that it can be loaded into trucks for off-site disposal. The excavated sediment may also be temporarily stockpiled at an off-site location. Runoff, sediment, or decant water from the excavated materials shall not discharge to waters of the State from trucks during transport. Sediment removal will temporarily impact 0.5 acre of stream channel habitat.

Repairing and replacing culverts will be performed as needed within the same footprint as the original culvert(s). Energy dissipation and erosion

control materials will be used at the culvert outfall if discharging on an unprotected slope of earthen materials. The culvert will be replaced during the dry season. Culvert replacement will temporarily impact 0.02 acre/80 linear feet of stream channel habitat.

Installing minor and temporary erosion protection treatments to control erosion and additional sediment fallback prevention input to the channel during maintenance work will occur within the Project area and temporarily impact 0.17 acre/750 linear feet of stream channel habitat.

Spall repair and sealing of cracks to repair existing concrete will occur in concrete channels and dam spillways as needed by hand when the channel is dry. No wet concrete will be placed into stream channel habitat. Work will occur along approximately 500-600 linear feet.

The following special status species have been known to occur within and surrounding the Project area: Longhorn fairy shrimp, Giant garter snake, Vernal pool fairy shrimp, Western pond turtle, Mid-valley fairy shrimp, Tricolored blackbird, Vernal pool tadpole shrimp, California tiger salamander, California red-legged frog, Foothill yellow-legged frog, Golden eagle, Western burrowing owl, Swainson's hawk, Townsend's western big eared bat, silvery legless lizard, Alameda whipsnake, and San Joaquin kit fox.

Dewatering may occur within the Project area, temporarily impacting 0.55 acres of stream channel habitat.

Maintenance activities will temporarily impact 1.36 acre/1,360 linear feet of waters of the state. Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	1.36		1,360

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VIII. DESCRIPTION OF INDIRECT IMPACTS TO WATERS OF THE STATE

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect impacts of the project include sediment disturbance and subsequent degradation of water quality; increased turbidity due to sediment displacement during dewatering activities; vegetation management effects on water temperature; and potential water quality effects due to herbicide use near local surface waters.

The Project will utilize grazing of goats and sheep to control vegetation growth and to reduce fire hazards along some County maintained flood control facilities. Goat and sheep grazing will occur along County-maintained flood control facilities (e.g., detention basins and along channels/maintenance roads). Implementation of Best Management Practices (BMPs), specifically GEN-27 from the Program Manual, will ensure that grazing activities are excluded from active channels through installation of fencing or buffers which would avoid or minimize adverse water quality effects.

Cattail trimming will occur mechanically or by hand to prevent potential loss of capacity in flood control channels and sediment basins.

Culvert flushing will be conducted by clearing the culverts by hand and flushing with the minimum amount of water necessary. Silt fences or other sediment capture devices will be installed downstream of the work area.

Herbicide application is conducted to control nonnative or invasive vegetation and is applied to manage pre-emergent and post-emergent vegetation along roads, parcels immediately adjacent to flood control access roads, channel banks above the top of bank along the dry side of the levee (i.e., where contact with water is not anticipated), on the creek side of the channel banks but away from the active channel, and along fence lines. The Project includes applying herbicides to reduce fire hazards and control vegetation growth on a site-by-site basis as needed where vegetation is in conflict with the operation of County facilities.

Herbicides will be used to control herbaceous vegetation and non-native and invasive plants in upland areas. Aquatic herbicide spraying may also be used to control non-native or invasive aquatic species within channels and sediment basins below the top of bank or below the crown of a road. Aquatic herbicide application activities are typically applied once per year between the months of April and October with limited use between the months of December and February. Aquatic spraying that occurs within the Project area is covered under the Statewide General Order R5-2013-0002-DWQ.

2. Attachment B, Table 1 is amended to include receiving water information for Piper Culvert at Bethel Island.
3. Attachment B, Table 2 is updated to reflect the following updated temporary impacts:

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Marsh Creek	37.964262	-121.683894	No	0.29	N/A	
Marsh Creek Dam	37.889441	-121.726491	No	0.085	N/A	
Dry Creek	37.922372	-121.716931	No	0.125	N/A	
Deer Creek Basin	37.936427	-121.722281	No	0.25	N/A	
Line E1	37.959710	-121.705325	No	0.29	N/A	
Upper Sand Creek Basin	37.94427	-121.727243	No	0.25	N/A	
Piper Culvert (Bethel Island)	38.020719	-121.622257	No	0.07	50	80

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$89,252.00 for the original Certification were received on 27 September 2019 and 16 November 2021. 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:

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WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Contra Costa County Routine Maintenance Program Project (WDID#5B07CR00218A1). 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 James Marshall (for):

Patrick Pulupa
Executive Officer

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

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