

Appendix C

Central Coast RWQCB Water Quality Certification (2013)



EDMUND G. BROWN, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Coast Regional Water Quality Control Board

March 8, 2013

Doug Poochigian
Monterey County Department of Public Works
168 West Alisal Street
Salinas, CA 93901
Email: poochigiand@co.monterey.ca.us

VIA ELECTRONIC MAIL

Dear Mr. Poochigian

WATER QUALITY CERTIFICATION NUMBER 32712WQ05 FOR PEACH TREE ROAD AT PANCHO RICO CREEK BRIDGE REPLACEMENT PROJECT, MONTEREY COUNTY

Thank you for the opportunity to review your August 29, 2012 application for water quality certification of the Peach Tree Road at Pancho Rico Creek Bridge Replacement Project (Project). The application was completed on September 14, 2012. The project, if implemented as described in your application and with the additional mitigation requirements and conditions required by this Certification, appears to be protective of beneficial uses of State waters. We are issuing the enclosed Standard Letter of Certification.

At this time, we do not anticipate issuing additional requirements based on your application. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Section 401 Water Quality Certification application and California Environmental Quality Act (CEQA) documents indicate that project activities have the potential to affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this Certification to protect water quality and associated beneficial uses from project activities. We need reports to determine compliance with this Certification. All technical and monitoring reports requested in this Certification, or any time after, are required per Section 13267 of the California Water Code.

Failure to submit reports required by this Certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Central Coast Water Board will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Water Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., INTERIM EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast

If you have questions please contact **Julia Dyer** at (805) 542-4624 or via email at jdyer@waterboards.ca.gov, or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,

for
Kenneth A. Harris
Interim Executive Officer

Enclosure: Action on Request for CWA Section 401 Water Quality Certification

CC (electronically): With enclosures

John Hesler
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San Jose, CA 95126
Email: jhesler@davidjpowers.com

Holly Costa
U.S. Army Corps of Engineers
San Francisco District
Regulatory Section
1455 Market Street, Floor 16
San Francisco, CA. 94103-1398
Email: holly.n.costa@usace.army.mil

401 Program Manager
State Water Resources Control Board
Division of Water Quality
Email: Stateboard401@waterboards.ca.gov

U.S. Environmental Protection Agency
Email: R9-WTR8-Mailbox@epa.gov

Kim Sanders
Central Coast Water Board
Email: Kim.Sanders@waterboards.ca.gov

Julia Dyer
Central Coast Water Board
Email: Julia.Dyer@waterboards.ca.gov

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Peach Tree Road at Pancho Rico Creek Bridge Replacement Project

COUNTY: Doug Poochigian
Monterey County Department of Public Works
168 West Alisal Street
Salinas, CA 93901

ACTION:

- 1. Order for Standard Certification
- 2. Order for Technically-conditioned Certification
- 3. Order for Denial of Certification

STANDARD CONDITIONS:

- 1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- 2. This Certification action is not intended 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 per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
- 3. The validity of any non-denial Certification action (Actions 1 and 2) is conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADMINISTRATIVE CONDITIONS:

- 1. This Certification 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.
- 2. In the event of a violation or threatened violation of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, 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.

3. In response to a suspected violation of any condition of this Certification, the Central Coast 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 reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.
4. In response to any violation of the conditions of this Certification, the Central Coast Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
5. The Central Coast Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the County, if the Central Coast Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
6. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
7. The County shall grant Central Coast Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State.
8. The County must, at all times, fully comply with the application, engineering plans, specifications, and technical reports submitted to support this Certification; all subsequent submittals required as part of this Certification; and the attached Project Information and Conditions. The conditions within this Certification and attachment(s) supersede conflicting provisions within County submittals.
9. The County shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
10. This Certification is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The County shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Certification's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on.
11. This Certification expires simultaneous with the expiration date of the associated U.S. Army Corps of Engineers (Corps) authorization or permit, or in five years from the date of this

Certification, whichever date comes first. If a Corps authorization or permit was unnecessary for this project due to coverage under a non-reporting Nationwide Permit (NWP), this Certification expires when the non-reporting NWP expires. If the Corps issues a one-year grace period for uncompleted projects that began under a NWP that has since expired, this Certification is valid during the grace period for such projects.

12. The total fee for this project is \$944. The remaining fee payable to the Central Coast Water Board is \$0.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Julia Dyer
(805) 542-4624
Julia.Dyer@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all the conditions listed in this Certification are met, any discharge from the Peach Tree Road at Pancho Rico Creek Bridge Replacement Project shall 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. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which requires compliance with all conditions of this Certification.

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 strict compliance with the County's project description and the attached Project Information and Conditions, and (b) compliance with all applicable requirements of the Central Coast Water Board's policies and Water Quality Control Plan (Basin Plan).

for _____
Kenneth A. Harris
Interim Executive Officer
Central Coast Water Board

March 8, 2013
Date

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: August 29, 2012 Completed: September 14, 2012
County	Doug Poochigian Monterey County Department of Public Works (County) 168 West Alisal Street Salinas, CA 93901 Email: poochigiand@co.monterey.ca.us Phone Number: (831) 755-4800
County Representatives	John Hesler David J. Powers & Associates, Inc. 1871 The Alameda, Suite 200 San Jose, CA 95126 Email: jhesler@davidjpowers.com Phone Number: (408) 454-3424
Project Name	Peach Tree Road at Pancho Rico Creek Bridge Replacement Project
Application Number	32712WQ05
Type of Project	Bridge replacement.
Project Location	Rural South Eastern Monterey County Latitude: 36° 05' 15" N Longitude: 120° 40' 04" W
County	Monterey
Receiving Water(s)	Pancho Rico Creek 309.70 Salinas Hydrologic Unit
Water Body Type	Streambed, riparian
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Warm Fresh Water Habitat (WARM) Spawning, Reproduction, and/or Early Development (SPWN) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of this project is to replace the existing three-span seventeen foot wide by fifty-nine foot long bridge with a new two-lane twenty-eight foot wide by eighty foot long bridge on the same alignment. The footprint of the new bridge will result in a reduced impact to the streambed as compared to the existing structure. Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff understands that the project includes the following activities: 1. Demolition of the existing bridge including removal of existing steel plies located within waters of the U.S.

	<ol style="list-style-type: none"> 2. Installation of two bridge abutments just outside waters of the U.S. 3. Installation of rock slope protection and wing walls at the bridge abutments.
U.S. Army Corps of Engineers Permit No	Nationwide Permit 14 – Linear Transportation Projects
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution.
Status of CEQA Compliance	Categorical Exemption Lead Agency: Monterey County
Total Certification Fee	\$944
Area of Disturbance	Approximately 0.51 acres total Streambed: 0.002 acres permanent, 0.038 acres temporary Riparian Area: 0.015 acres permanent, 0.187 acres temporary
Compensatory Mitigation Requirements	<ol style="list-style-type: none"> 1. The project shall include the following compensatory mitigation: <ol style="list-style-type: none"> a. Combined temporary impacts of 0.48 acres to streambed and riparian habitat shall be mitigated at a 1:1 ratio through the onsite restoration of 0.48 acres. b. Combined permanent impacts of 0.03 acres are mitigated by the Project's design which removes bridge pilings from the low flow channel and replaces them with clear-span structure. 2. The County shall implement compensatory mitigation installation, maintenance, and monitoring as described in the Habitat Mitigation and Monitoring Plan Replacement of Peach Tree Road Bridge at Pancho Creek dated January 21, 2013.
Project Requirements	<p><u>Project practices that are required to comply with 401 Water Quality Certification are as follows:</u></p> <ol style="list-style-type: none"> 1. All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation. 2. No construction activities shall be conducted in waters of the State during the winter period (October 15 – April 15) unless prior written approval has been obtained from Central Coast Water Board staff. Requests to conduct construction activities in waters of the State during the winter period shall be submitted to Central Coast Water Board staff at least 15 working days prior to the planned winter period work date. 3. Erosion and sediment control measures shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events. 4. The County shall implement an effective combination of erosion and sediment control measures (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) to prevent erosion and capture sediment. The County shall implement washout, trackout, dust control, and any other applicable source control BMPs.

	<ol style="list-style-type: none">5. Erosion and sediment control measures and other construction BMPs shall be implemented in accordance with all specifications governing their proper design, installation, operation, and maintenance.6. At any time, if the National Weather Service predicts a 25% or more chance of rain within 24 hours, all construction activities in waters of the State shall cease before the rain. In preparation for the rain event, the County shall install effective erosion and sediment control measures. Construction activities in waters of the State may resume after the rain event has passed and site conditions are dry enough to continue work without additional risk to waters of the State.7. Any material stockpiled that is not actively being used during construction shall be covered with plastic unless reserved for seed banking, which requires alternative erosion and dust control BMPs.8. The County shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur.9. The County shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site at least weekly.10. All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.11. The County shall designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways.12. All vehicle fueling and maintenance activity shall occur at least 100 feet away from waterways, and in designated staging areas.13. The County shall provide a copy of the Project's associated Storm Water Pollution Prevention Plan (SWPPP) to Central Coast Water Board staff if a SWPPP is required by Monterey County.14. The County shall not place false work in the streambed or riparian area at any time.15. The County shall not allow vehicles or other construction to either enter or cross the streambed at any time.16. The County shall submit to the Central Coast Water Board a Bridge Removal Plan at least ten working days prior to conducting demolition of the existing bridge.17. The County shall not conduct any work in the low-flow channel except the removal of existing steel piles.18. The County shall not remove existing steel piles from the low-flow channel when there is any standing or flowing water without a Central Coast Water Board approved dewatering and/or diversion plan.19. Dewatering and stream diversion measures are not authorized based on the application. If the project requires dewatering or diversion, the County shall submit detailed dewatering/ diversion plans for Central Coast Water Board staff approval at least 15 working days prior to any dewatering or diversion.
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	<p>Dewatering/diversion plans shall include the area to be dewatered, timing of dewatering, and method of dewatering to be implemented. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the State to isolate the immediate work area. All dewatering/diversion methods shall be installed such that natural flow is maintained upstream and downstream of the project area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the project area. All dewatering/diversion methods shall be removed immediately upon completion of dewatering/diversion activities. Dewatering or diversion shall not commence until County has obtained Central Coast Water Board staff approval of the dewatering/diversion plans.</p> <p>20. All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleaned from the site upon completion of the project.</p> <p>21. Central Coast Water Board staff shall be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The County shall inform Central Coast Water Board staff of any modifications that interfere with compliance with this Certification.</p>
<p>Monitoring and Reporting Requirements</p>	<p>The County shall conduct the following monitoring:</p> <ol style="list-style-type: none"> 1. Visually inspect the project site and areas of waters of the State adjacent to project impact areas following completion of project construction and for three subsequent rainy seasons to ensure that the project is not causing excessive erosion, stream instability, or other water quality problems. If the project does cause water quality problems, contact the Central Coast Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems. 2. Monitor the compensatory mitigation site for three years. If the success criteria is not achieved within that time, continue annual monitoring and maintenance until success criteria is achieved. Compensatory mitigation monitoring shall include assessment of growth, survival, percent cover, general health and stature, signs of reproduction, and progress towards achieving success criteria. <p>The County shall provide the following reporting:</p> <ol style="list-style-type: none"> 1. Project Commencement Notification - Contact Central Coast Water Board staff when the project begins to allow for a site visit. 2. Streambed Alteration Agreement - Submit a signed copy of the Department of Fish and Game's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State. 3. Project Completion Report - Within 30 days of project completion,

	<p>submit a project completion report that contains:</p> <ol style="list-style-type: none">a. Date of construction initiation;b. Date of construction completion;c. Status of post-construction BMPs;d. A summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken;e. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after project construction;f. Clearly identified representative photo-documentation of other project areas, prior to and after project construction; andg. Photo-documentation of all permanent post-construction BMPs. <p>4. Annual Report – The County shall submit to the Central Coast Water Board an Annual Report by May 31 of each year following the issuance of this Certification, regardless of whether project construction has started or not. The County shall submit Annual Reports until the County has conducted all required monitoring, mitigation has achieved all success criteria, and the County has notified the Central Coast Water Board of mitigation completion. Each Annual Report shall include at a minimum:</p> <ol style="list-style-type: none">a. The status of the project: construction not started, construction started, or construction complete.b. The date of construction initiation, if applicable.c. The date of construction completion, if applicabled. If project construction is complete, a description of the results of the annual visual inspection of the project site and areas of waters of the State adjacent to project impact areas, including:<ol style="list-style-type: none">i. Erosion conditions;ii. Stream stability conditions;iii. Water quality and beneficial use conditions; andiv. Representative photographs of the project site and areas of waters of the State adjacent to project impact areas.e. Mitigation reporting, if mitigation installation has started, including the following information:<ol style="list-style-type: none">i. Date of initiation of mitigation installation and date mitigation installation was completed;ii. Analysis of monitoring data collected in the field;iii. Quantification of growth, percent cover, survival, general health and stature, signs of reproduction, and documentation of progress toward achieving all mitigation performance criteria;iv. Qualitative and quantitative comparisons of current mitigation conditions with preconstruction conditions and previous mitigation monitoring results;v. Any remedial or maintenance actions taken or needed;vi. Any additional information specified in the Habitat Mitigation and Monitoring Plan Replacement of Peach Tree Road Bridge at Pancho Creek dated January 21, 2013.vii. Annual photo-documentation representative of all
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	<p>mitigation areas, taken from vantage points from which Central Coast Water Board staff can identify changes in size and cover of plants. Compare photos of installed mitigation with photos of the mitigation areas prior to installation.</p> <p>f. A description of mitigation completion status, that identifies the amount of mitigation monitoring and maintenance remaining, or certifies that mitigation is complete and all required mitigation monitoring and maintenance has been conducted and all success criteria achieved. If the monitoring period is over, but all success criteria have not been achieved, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.</p> <p>5. The County must submit reports required under this Certification to: RB3_401Reporting@waterboards.ca.gov.</p>
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