



State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair

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Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

TO: Jason Mac
California Department of Transportation, District 4
111 Grand Ave.
P.O. Box 23660
Oakland, CA 94623-0660

Dorothy Rice

FROM: Dorothy Rice, Executive Director
EXECUTIVE OFFICE

DATE: APR 18 2008

SUBJECT: CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY
CERTIFICATION FOR THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION'S STATE ROUTE 12 ROADWAY REHABILITATION
PROJECT. CALTRANS PROJECT NO. 04-SOL-12-PM 7.9-20.6

The California Department of Transportation (Department) has requested that the State Water Resources Control Board (State Water Board) issue a CWA section 401 Water Quality Certification (Certification) for the State Route 12 Roadway Rehabilitation Project (SR 12 Project). A complete application for Certification was received on March 27, 2008. State Water Board staff have reviewed the information submitted by the Department describing the project activities and the proposed water quality protection measures. Consultations regarding this project were also conducted with the San Francisco Bay and Central Valley Regional Water Quality Control Boards, and the U.S. Army Corps of Engineers.

Enclosed please find the Certification for the SR 12 Project (Attachment 1). Please note that Attachment 1 includes 4 parts: (A) Certification Order, (B) Project Information Sheet, (C) Project Area Maps, and (D) copy of the March 26, 2008 letter from the Deputy Director of the California Department of Transportation verifying the off-site compensatory mitigation arrangement for impacts to wetlands and waters of the U.S. and waters of the State for the SR 12 Project.

Any petition for reconsideration of the Certification must be filed with the State Water Board within 30 days of the Certification action (California Code of Regulations, tit. 23, section 3867). If no petition is received, it will be assumed that you have accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification is subject to enforcement by the State Water Board.

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 322-2514 (CHarvey@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Attachment: Certification Order

cc: (See next page)

California Environmental Protection Agency

APR 18 2008

cc: (Continuation page)

Mr. Hardeep Takhar
Water Quality Program Manager
Office of Water Quality and Mitigation
Calif. Dept. of Transportation, District 4
111 Grand Ave.
P.O. Box 23660
Oakland, CA 94623-0660

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Ms. Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
Sacramento Office
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Mr. Hal Dúrio, Calif. Dept. of Transportation Liaison
Regulatory Branch
U.S. Army Corps of Engineers
1455 Markey St., 16th Floor
San Francisco, CA 94103-1398

Mr. Brendan Thompson
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Patrick Gillum
Central Valley Regional Water Quality Control Board
Sacramento Office
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Mr. Dave Smith
U.S. Environmental Protection Agency, Region 9
Wetlands Regulatory Office
75 Hawthorne Street
San Francisco, CA 94105

Mr. Cay C. Goude, Acting Field Supervisor
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

ATTACHMENT 1

WATER QUALITY CERTIFICATION FOR THE SR 12 ROADWAY REHABILITATION PROJECT

- Part A. Water Quality Certification Order
- Part B. Project Information Sheet
- Part C. Project Area Maps
- Part D. March 26, 2008 letter verifying the off-site compensatory mitigation arrangement



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ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE OF DREDGED AND/OR FILL MATERIAL

PROJECT: State Route 12 Roadway Rehabilitation Project (Project)

APPLICANT: Jason Mac, Applicant
California Department of Transportation, District 4
111 Grand Ave.
P.O. Box 23660
Oakland, CA 94623-0660

This certification action responds to your request on behalf of California Department of Transportation – District 4 (Department) for water quality certification for the subject project. Your complete application was received on March 27, 2008.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code (CWC) and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

ADDITIONAL CONDITIONS:

A. ADMINISTRATIVE CONDITIONS:

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation is subject to any remedies, penalties, processes, or sanctions as provided for under State law.
2. The State Water Resources Control Board (State Water Board) reserves the right to suspend, cancel, or modify and reissue this certification, after providing notice to the Department and/or responsible Project Site Supervisor, if the State Water Board determines that the project fails to comply with any of the terms or conditions of this certification.
3. This certification shall expire upon the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers, or five (5) years from the date of issuance of this certification, whichever comes first.
4. 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. 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.
5. The Department shall grant State Water Board and Regional Water Quality Control 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 the waters of the State.
6. The Department shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to stop and contain the discharge, and measures implemented to prevent future discharges.

B. ADDITIONAL INFORMATION REQUIREMENTS PRIOR TO START OF PROJECT:

1. The Department shall submit to the State Water Board copies of the U.S. Army Corps of Engineers' section 404 permit application and the California Department of Fish and Game's Streambed Alteration Agreement application prior to any discharge to waters of the State. No discharge into any waters of the State or waters of the U.S. shall occur until these permit applications are approved.
2. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to State Water Board at least 30 days prior to the start of construction. This SWPPP shall include a Spill Prevention and Containment Plan.

3. This Project will result in 24.2 acres of new and reworked impervious surfaces. The Department has proposed treatment for 11.9 acres, resulting in a treatment deficit of 12.3 acres. The Department shall withdraw 12.3 acres of stormwater treatment credit from a 54-acre surplus accrued from previously completed Solano County road projects as mitigation. The Department must submit documentation to the State Water Board of the approved withdrawal of these mitigation credits prior to the start of this Project.
4. The Department must submit a final Mitigation Plan (MP) to the State Water Board and the San Francisco Bay Regional Water Quality Control Board for approval at least 30 days before the start of the project (see D.1. below).
5. In compliance with administrative Condition A.4, this Water Quality Certification is completed through attachment of Parts B, C, and D (Part B, Project Information Sheet; Part C, Project Area Map; and Part D, copy of the March 26, 2008 letter from the Deputy Director of the California Department of Transportation verifying the off-site compensatory mitigation arrangement for impacts to wetlands and waters of the U.S. and waters of the State for the SR 12 Project).

C. GENERAL DISCHARGE CONDITIONS:

1. This Project shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.
2. This Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
3. This Project shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and CWC section 13173.
4. No fueling, cleaning, or maintenance of vehicles or equipment shall take place in any areas where an accidental discharge to any waters, streams, or wetlands may occur.
5. Except as expressly allowed in this certification, the discharge, or creation of the potential for discharge, of any soil materials including fresh concrete, cement, silts, clay, sand, and other organic materials to waters of the State is prohibited.

D. MITIGATION AND MONITORING PLAN REPORTING:

1. Compensatory mitigation measures are generally described in the Water Quality Certification Application Package (July 2007) (Application Package), including all measures described in *Chapter 4 - Avoidance and Minimization Measures* and in *Chapter 5 - Proposed Mitigation* of the application package. The Department must submit a final MP to the State Water Board at least 30 days before the start of the Project.
2. In addition to describing avoidance, minimization and mitigation measures, the MP shall address the maintenance of the grass filter strips in perpetuity, and the

success criteria that will indicate suitable performance has been achieved for establishment. Grass filter strips shall be maintained in perpetuity to provide minimum 65 percent appropriate vegetative cover and be free of channel sedimentation and erosion.

3. The Department shall submit a notice of mitigation completion and final mitigation report to the State Water Board within six months of project completion.
4. All applications, reports, or information shall be submitted to attn.: 401 Certification and Wetlands Program, State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 95814.
5. All information requested in this Certification, including mitigation reporting as described in D.1. above, is pursuant to CWC section 13267. Civil liability may be administratively imposed by the State Water Board for failure to furnish requested information pursuant to CWC section 13268.

E. SIGNATORY REQUIREMENT:

1. All applications, reports, or information submitted to the State Water Board must be signed and certified as follows:
 - (a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - (b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - (c) For a municipality, or a state, Federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in Items 1.(a) through 1.(c) above may sign documents if:
 - (a) The authorization is made in writing by a person described in Items 1.(a) through 1.(c) above.
 - (b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - (c) The written authorization is submitted to the State Water Board Executive Director.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On January 25, 2008, receipt of the Project application was posted on the State Water Board Web site to serve as appropriate notification to the public. There was a 21-day public comment period which closed on February 14, 2008. No comments were received.

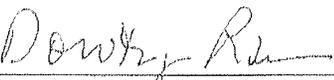
STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 322-2514 or via e-mail at CHarvey@waterboards.ca.gov or by mail at Certification & Wetland Program, State Water Board, 1001 I St., 15th Floor, Sacramento, CA 95814.

WATER QUALITY CERTIFICATION:

I hereby issue a water quality certification, pursuant to section 401 of the Clean Water Act, certifying that any discharge from the 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) if all of the conditions listed in this certification action are met. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ. This Water Quality Certification also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Cal. Wat. Code, § 13000 et seq.).

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 applicants' Project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan.



Dorothy Rice
Executive Director

4-18-08
Date

Attachments:
Project Information Sheet
Project Area Maps
Compensatory Mitigation Verification Letter

PROJECT INFORMATION SHEET

Applicant	Jason Mac, Applicant California Department of Transportation , District 4 111 Grand Ave. P.O. Box 23660 Oakland, CA 94623-0660
Applicant's Agent	Hardeep Takhar, Agent California Department of Transportation District 4 111 Grand Ave. P.O. Box 23660 Oakland, CA 94623-0660
Project Name	State Route 12 Roadway Rehabilitation Project
Project Location	Portions of State Route 12 in Solano Co., Calif., from about 0.68 mi. east of Walters Rd. near Suisun City to the intersection with Currie Rd. (Post Miles 7.9 – 20.6). Approx. Latitude & Longitude: Branscomb Road Intersection: 38/13/42 N & 121/57/06 W; Birds Landing / SR 113 Intersection: 38/11/00 N & 121/48/22 W
Type of Project	Road Rehabilitation
Project Description	<p>On March 27, 2008, the State Water Resources Control Board (State Water Board) received a completed application from the California Department of Transportation (applicant or Caltrans), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities related to a proposed project to rehabilitate approximately 12.7 miles of State Route (SR) 12 in Solano County. Project location is along SR 12 from 0.68 mi. east of Walters Road near Suisun City to the intersection with Currie road (post miles 7.9 to 20.6). The stated purpose of the proposed project is the upgrade of the highway to current Caltrans standards to enhance safety, improve traffic flow, and reduce future maintenance costs.</p> <p>The proposed project includes overlay of the entire road surface, profile corrections, shoulder widening, left turn lane construction, intersection widening, and sufficient widening of two bridges to receive new guardrails. In addition, to prevent scouring at the outfall, and to provide better high-flow capacity</p>

and better aquatic habitat continuity, one existing box culvert will be replaced with a wider box culvert that will be set below the existing channel grade, so that natural channel bed materials will cover the bottom of the culvert.

Work will occur in four geographic sections: Section A: improvements to two intersections listed above. Section B: Rehabilitation of SR 12 from Lambie/Shiloh road intersection to the Denverton railroad bridge overhead, including retaining wall installation at Lambie Creek. Section C: Rehabilitation of roadway from the railroad museum access road to just east of Birds Landing Road/SR 12 intersection. Section D: Rehabilitation of roadway between the end of Section C to the intersection of SR 12 and Currie Road.

Three areas where the existing alignment will no longer be utilized will be restored to grassland conditions through removal of existing fill and pavement.

The proposed activities involve work within potential waters of the U.S., including wetlands, and waters of the State. A combination of avoidance, minimization, and compensatory mitigation measures are proposed to offset potential effects of project construction to wetlands and waters of the U.S and of the State. All feasible and practical measures will be undertaken to avoid or minimize impacts to seasonal wetlands and other waters during construction. Mitigations also include preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). Approx. 12.3 ac. of permanent disturbance will be mitigated by allocation of previously designated off-site wetlands. Caltrans will provide stormwater runoff treatment from an equivalent area of new impervious and reworked surfaces on this project that equals 24.2 ac.

Federal Agency/
Permit(s)

- US Army Corps of Engineers (USACE), Nationwide Permits
- US Fish and Wildlife Service (USFWS) Biological Opinion/Incidental Take Permit

State Agency/
Permits

- California Department of Fish and Game – 1600 permits
- Bay Conservation Development Commission – review and approval
- State Historic Preservation Officer – concurrence

Receiving Water(s)
Name

Lambie Creek, tributary to Little Honker Bay-Suisun Bay, and other un-named intermittent creeks and drainages; all tributary to San Francisco Bay.

Hydrologic Unit(s) West end of project: US Geological Survey HUC 18050001
Suisun Bay, California. East end of project: USGS HUC
18020109 -- Lower Sacramento, California

Dredge and Fill Volume* (CY) No dredging is proposed for this project. (culvert footing)

Waters of the U.S. Temporary Fill: 102.8 yd³
Waters of the U.S. Permanent Fill: 27.2 yd³
Waters of the U.S. (Wetlands) Temporary Fill: 103.7 yd³
Waters of the U.S. (Wetlands) Permanent Fill: 191.6 yd³
Waters of the State Temporary Fill: 485.5 yd³
Waters of the State Permanent Fill: 147.5 yd³
Potential Waters of the U.S. (culverted) Temporary Fill: none
Potential Waters of the U.S. (culverted) Permanent Fill: 11.6 yd³

Sum Temporary Fill Volume = 692 yd³
Sum Permanent Fill Volume = 377.9 yd³

Water Body Type(s)* & Area of Filled / Excavated Waters (Acres)

Waters of the U.S. Temporary Fill : 0.043 ac
Waters of the U.S. Permanent Fill: 0.010 ac
Waters of the U.S. (Wetlands) Temporary Fill: 0.168 ac
Waters of the U.S. (Wetlands) Permanent Fill: 0.130 ac
Waters of the State Temporary Fill: 0.406 ac
Waters of the State Permanent Fill: 0.134 ac
Potential Waters of the U.S. (culverted) Temporary Fill: none
Potential Waters of the U.S. (culverted) Permanent Fill: 0.007 ac

Sum Temporary Fill Area = 0.629 ac**
Sum Permanent Fill Area = 0.281 ac

* Waters of the U.S. include all features delineated by the USACE. Remaining waters are listed here as waters of the State. Total impacts to waters of the State are equal to impacts to waters of the U.S. plus waters of the State.

** Actual calculated sum of acres temporarily affected is 0.617 ac. Possible typo in sum acres of temporary effect resulted in an additional 0.012 ac (522 ft²) of temporary effect being added into the mitigation calculations presented by the applicant.

Non-Compensatory
Mitigation

A combination of avoidance and minimization measures are proposed to offset potential effects of project construction to wetlands and waters of the U.S. All feasible and practical measures will be undertaken to avoid or minimize impacts to seasonal wetlands and other waters during construction. These measures will conform to guidelines stated in: Chapter 4 of the Water Quality Certification Application.

These measures will also conform to guidelines in the "Conservation Measures" prescribed in the USFWS Biological Opinion (pp. 15-22).

These measures will also conform to the Best Management Practices outlined in Section 7 of Caltrans Standard Specifications; and Caltrans "Construction Sites BMP Manual (2003)."

Finally, Caltrans will prepare and implement a SWPPP in accordance with guidance provided by the Caltrans SWPPP and Water Pollution Control Program Preparation Manual (CTSW-RT-06-171.11-1, March, 2007).

The replacement of the undersized culvert with a large box culvert with a natural bed is expected to improve water quality and conveyance in this drainage. The existing pavement and culvert will be removed and the creek will be restored to conform to the original channel dimensions. Therefore, no mitigation for these impacts is proposed, as the on-site activities in this location compensate for the impacts to Lambie Creek. (WQ Cert Application, chapter 5, section 2 p. 28).

Compensatory Mitigation

Caltrans will draw 12.3 ac. from a 54-ac. surplus accrued from the Interstate 80 HOV Lane Widening Project to satisfy its stormwater treatment deficit of 12.3 ac. on the Project, as described in the Project Description section above.

In addition, as stated in the USFWS Biological Opinion (letter 1-1-04-F-0122, dated Nov. 27, 2006, p. 16), the following mitigation will be provided by Caltrans: 24.00 ac. of vernal pool preservation; 2.0 ac. of vernal pool creation; 7.0 ac. of playa pool preservation and 65.00 ac. of upland preservation. This conservation measure also stipulates that Caltrans will restore 28.2 ac. of upland within one season for tiger salamander and beetle upland dispersal habitat and that 5.46 ac. of old roadway will be restored for tiger salamander

and beetle upland dispersal habitat. Project impacts within USACE jurisdiction totaling 0.381 ac. were mitigated at a 3:1 ratio, for a total of 1.143 ac. of compensatory mitigation. Additionally, for those waters purchased above those required for USACE mitigation, the remainder of the aquatic mitigation (0.402 ac.) will be applied to the State Water Board mitigation requirements. The State Water Board finds that these mitigations for wetland habitat loss also meet mitigations for permanent impacts to 0.140 ac. of waters of the U.S. and 0.141 ac. of waters of the State.

Public Notice

In satisfaction of the public notice requirements of section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program, a Public Notice of Application for Water Quality Certification for the subject project was posted on the State Water Board Web site on January 25, 2008.

Fees

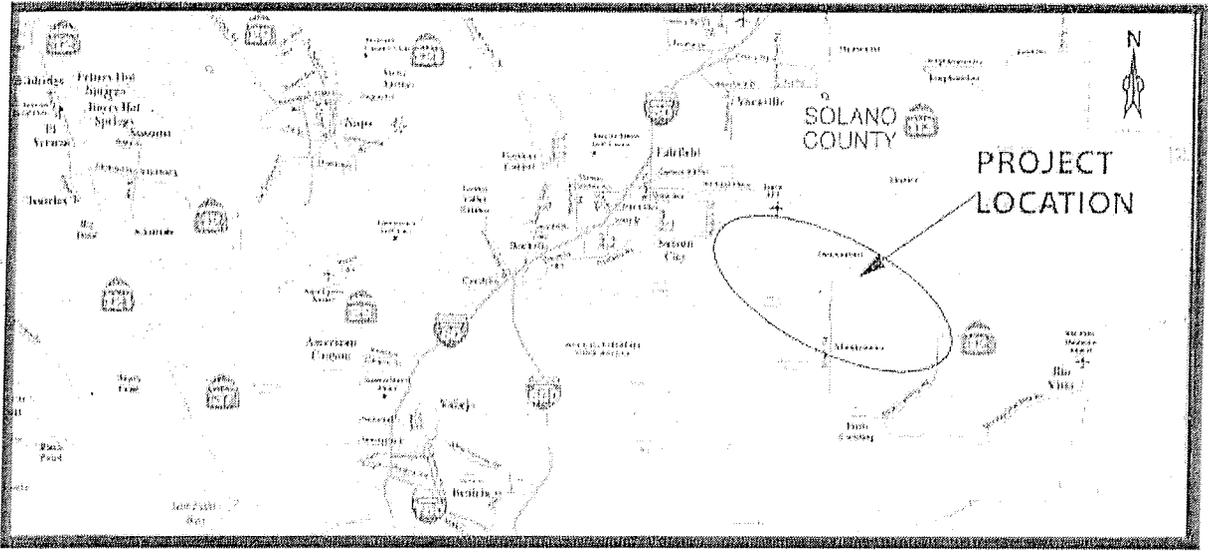
On July 23, 2007, a check from Caltrans in the amount of \$1,501.95 was received by the State Water Board in payment of required fees associated with this permit application.

Optional Additional Information

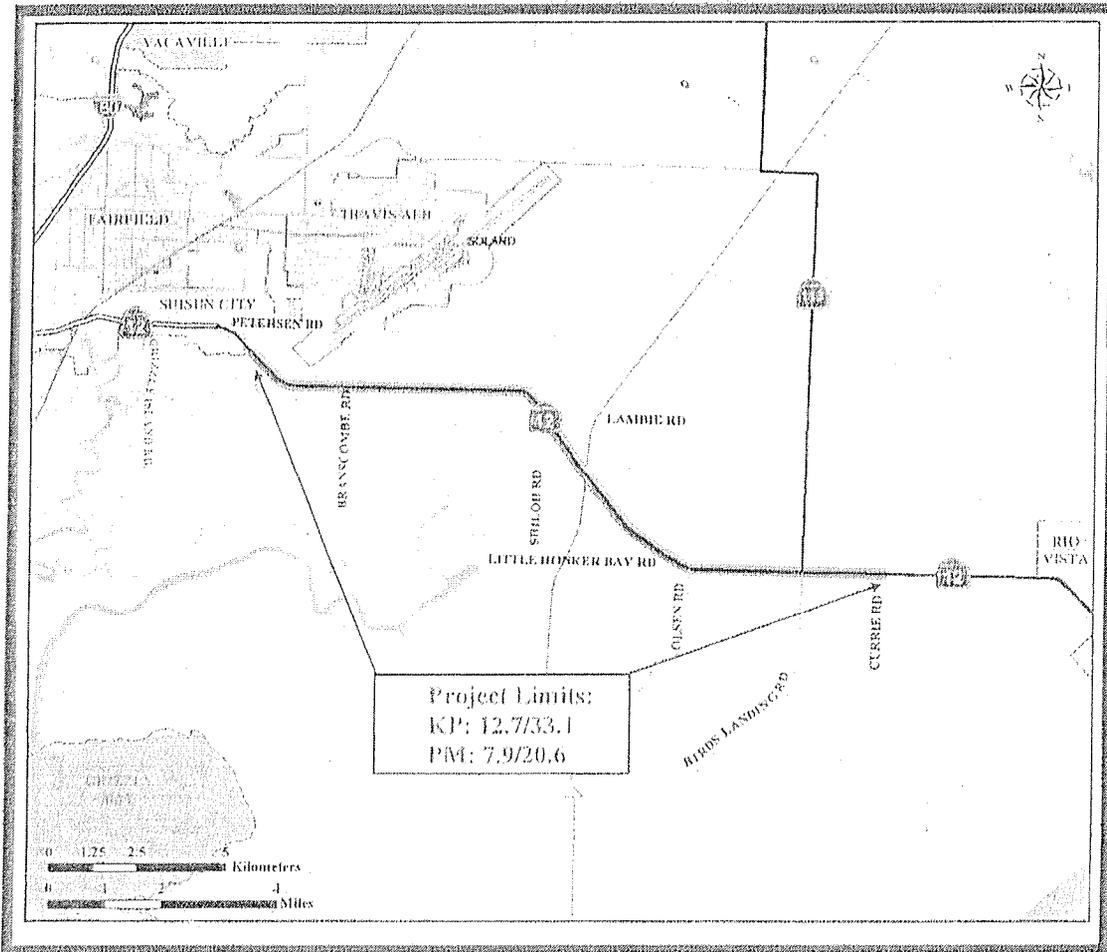
No additional condition.

Part C: Clean Water Act Section 401 Water Quality Certification Project Area Maps --
State Route 12 Roadway Rehabilitation Project

Map 1: General Vicinity of State Route 12 Roadway Rehabilitation Project.



Map 2: Project Area Limits



DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

March 26, 2008

Mr. Cliff Harvey,
State Water Resources Control Board
Division of Water Quality, Water Quality Certification Unit

1001 I Street, 15th Floor,
Sacramento, CA 95814

Subject: State Route 12 Roadway Rehabilitation Project USACE mitigation

Dear Mr. Harvey:

The United States Army Corps of Engineers (USACE) is currently processing the Nationwide Permit for the California Department of Transportation's (Caltrans) proposed roadway rehabilitation project on State Route 12 (SR 12) in Solano County between post miles 7.9 and 20.6. Caltrans intends to use aquatic habitat purchased at an approved mitigation bank for species impacts under the jurisdiction of the United States Fish and Wildlife Service (USFWS) as compensatory mitigation of project impacts to Waters of the United States (Waters).

The proposed alignment passes through biologically significant lands containing protected vernal pool invertebrates and other listed species. Aquatic and upland habitats were purchased at an approved mitigation bank to comply with the USFWS biological opinion issued for the project. The aquatic element included 24.00 acres of vernal pool preservation credits and 2.90 acres of vernal pool creation credits purchased from Wildlands Inc. North Suisun Mitigation Bank (WNSMB) in December of 2007.

Caltrans is requesting that the USACE accept all Waters (26.90 acres) purchased from the bank as acceptable for use as credit and compensation for USACE. Project impacts within USACE jurisdiction totaling 0.381 acres, were mitigated at a 3:1 ratio, for a total of 1.143 acres of compensatory mitigation. Additionally, for those Waters purchased above those required for USACE mitigation, Caltrans requests that the USACE acknowledge that the remainder of the aquatic mitigation (0.402 acres) be applied to the State Water Resources Control Board mitigation requirements. A Copy of the USACE verified wetland delineation for WNSMB has been included for reference.

Caltrans would greatly appreciate a letter from the USACE addressing these two points and the acceptability of the proposal to utilize the mitigation purchased at the North Suisun Mitigation Bank in the manner described.

Sincerely,

JAMES B. RICHARDS
Deputy Director
Division of Environmental Planning and Engineering
District 4

Cc: Hal Durio, United States Army Corps of Engineers