



Central Valley Regional Water Quality Control Board

2 March 2021

Justin Vinson
City of Atwater
750 Bellevue Road
Atwater, CA 95301

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CITY OF ATWATER, AVENUE 1 BRIDGE OVER CANAL CREEK PROJECT (WDID#5B10CR00103), MERCED COUNTY

On 18 February 2021, the City of Atwater (Applicant) filed a notification requesting coverage under the 9 October 2018 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (General Certification Order) for the Avenue 1 Bridge over Canal Creek (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity will take place in 0.088 acre/201 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection Activities, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the [General Certification Order](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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18 February 2021, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The 0.17-acre Project consists of repairing significant storm damage resulting from stream bank erosion of the abutments and road approach to the bridge during the heavy rains the week of January 26 to 29, 2021. The work within the ordinary high watermark (OHWM) is the placement of local native soils, rock slope protection (RSP) fabric, and RSP rip-rap. Class 2 aggregate base will be placed and compacted behind the bridge headwall and wingwall to provide support for the roadway pavement repairs. RSP below the OHWM on the west side of channel is 0.69 cubic yards and on the east side of channel is 0.67 cubic yards.

The Project will permanently impact 0.088 acre/201 linear feet of waters of the United States.

PROJECT LOCATION:

The Project is located at Avenue 1 Bridge over Canal Creek in the City of Atwater.

Section 08, Township 07 South, Range 13 East, MDB&M

Latitude: 37.342344 degrees North and Longitude: -120.570828 degrees West

PROJECT SCHEDULE:

Project construction started on 16 February 2021 and continued until 1 March 2021.

APPLICATION FEE RECEIVED:

An application fee of \$ 2,066.00 was received on 25 February 2021.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category F - Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

REPORTING

A Notice of Completion (NOC)(Attachment E of General Certification Order) shall be submitted by the applicant no later than 45 days after the emergency work has been completed. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the applicant's Notice of Intent.

Failure to comply with the terms and conditions of this Certification may expose the City of Atwater to enforcement action pursuant to the Clean Water Act and California Water Code.

If you have any questions regarding this Notice of Applicability, please contact Brandon Salazar at (559) 445-6287 or Brandon.Salazar@waterboards.ca.gov.

Original Signed by Clay L. Rodgers for:
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Executive Officer

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