31 December 2019

Jeannie Wiley
California Department of Transportation
855 M Street, Suite 200
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CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, TUMEY GULCH BRIDGE PROJECT (WDID#5C10CR00063), FRESNO COUNTY

This Order responds to the 30 August 2019 application submitted by California Department of Transportation (Applicant) for the Water Quality Certification of the Tumey Gulch Bridge Project (Project), temporarily impacting 0.04 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #14 under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Regional Water Quality Control Board (Central Valley Water Board).

2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.

3. This Certification action is not intended and shall not be construed 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 pursuant to Section

3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.

   a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

   b) For a partnership or sole proprietorship: by a general partner or the proprietor.

   c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:
In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States and waters of the state.

2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling:

   a) when in-water work is conducted during an unanticipated flow event;

   b) in the event that Project activities result in any materials reaching surface waters; or

   c) when any activities result in the creation of a visible plume in surface waters.

   The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1: Sampling Parameters and Frequency

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab (See 1 Below)	Every 4 hours	(See 2 and 4 Below)
Visible construction related pollutants (See 3 Below)	Observations	Visual Inspections	Continuous throughout the construction period	—
pH (See 5 Below)	Standard Units	Grab (See 1 Below)	Every 4 hours	(See 2 and 4 Below)

1. Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

2. Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

3. Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

4. A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

5. Sampling to be conducted if wet concrete comes into contact with surface water.

   Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction or other event triggering surface water sampling, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

   If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of construction, and every two weeks thereafter.

6. The Central Valley Water Board adopted a *Water Quality Control Plan for the Tulare Lake Basin*, Third Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

   a) Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

   b) Activities shall not cause turbidity increases in surface water to exceed:

      i. where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;

      ii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

      iii. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and

      iv. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

      In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.3 in surface water.

7. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, pH, or other water quality objectives are exceeded.

8. Work shall occur while area is dewatered. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) Project activities result in any materials reaching surface waters; or 3) Project activities result in the creation of a visible plume in surface waters.

9. Activities shall not cause visible oil, grease, or foam in the receiving water.

10. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

11. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.

12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.

13. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

14. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States and waters of the state through the entire duration of the Project.

15. The use of netting material (e.g., monofilament-based erosion blankets, netting covered straw wattles) that could trap wildlife is prohibited within the Project area.

16. All areas disturbed by Project activities shall be protected from washout and erosion.

17. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

18. Hydroseeding shall be performed with California native seed mix.

19. All waste materials resulting from the Project shall be removed from the site and disposed of properly.

20. Dewatering shall be conducted in accordance with the Temporary Stream Bypass System, Tumey Gulch, dated 1 August 2016.

21. This Certification is not valid if the Project is not conducted in accordance with an existing water right issued by the State Water Resources Control Board. This Certification does not provide a new water right or modify an existing water right.

22. If the Project will involve land disturbance activities of one or more acres, or where the Project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.

23. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

24. The Applicant shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.

25. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

    a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or

falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

NOTIFICATIONS AND REPORTS:

26. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

27. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleyfresno@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Debra Mahnke
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706
debra.mahnke@waterboards.ca.gov
559-445-6281

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

California Department of Transportation is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Tumey Gulch Bridge Replacement Project pursuant to Section 21000 et seq. of the Public Resources Code. California Department of Transportation approved the Mitigated Negative Declaration on 12 October 2018. California Department of Transportation filed a Notice of Determination with the State Clearinghouse on 16 October 2018 (SCH No. 2018051001).

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, Tumey Gulch Bridge Replacement Project (WDID#5C10CR00063) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ “Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)“.

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 compliance with the conditions of this Certification, California Department of Transportation’s application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Tulare Lake Basin*, Third Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control 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 State Water Resources Control Board’s Water Quality Petitions webpage (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original Signed by Clay L. Rodgers for:
Patrick Pulupa
Executive Officer

Attachments: Project Information Sheet, Project Figures
cc: Distribution List, page 9

DISTRIBUTION LIST

United States Army Corps of Engineers (Electronic Copy Only)
Sacramento District Headquarters
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SPKRegulatoryMailbox@usace.army.mil

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Ziegler.Sam@epa.gov

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Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Jaimee Cornwell (Electronic Copy Only)
California Department of Transportation
Jaimee.cornwell@dot.ca.gov

PROJECT INFORMATION SHEET

Application Date: 30 August 2019

Applicant: Jeannie Wiley
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

Project Name: Tumey Gulch Bridge Replacement Project

Application Number: WDID 5C10CR00063

Date on Public Notice: 6 September 2019

Date Application Deemed Complete: 29 October 2019

Date All Information Received: 7 October 2019

Type of Project: Bridge Construction

Project Location: Section 28 and 29, Township 15 South, Range 13 East, MDB&M. Latitude: 36.596181° and Longitude: -120.574300°

County: Fresno County

Receiving Water(s) (hydrologic unit): Tumey Gulch Dry Wash, Tulare Lake Hydrologic Basin, Coast Range Hydrologic Unit #559.10, Ciervo Hills HA

Water Body Type: Stream channel

Designated Beneficial Uses: The *Water Quality Control Plan for the Tulare Lake Basin*, Third Edition, revised May 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found on the Central Valley Water Board's Basin Planning webpage (http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

303(d) List of Water Quality Limited Segments: None

Project Description: The project proposes to replace the existing bridges with two new twin bridges, approximately 100 feet long by 42 feet wide, with two 12-foot-wide lanes,

5-foot-wide inside paved shoulders, and 10-foot-wide outside. The bridge soffit vertical clearances will be approximately 15 feet from the bottom of the Tumey Gulch channel, approximately 6 feet higher than the existing soffit vertical clearances.

The new bridges will consist of pre-cast concrete girders placed on cast-in-place seat abutments. The abutments will be founded on two rows of 24-inch diameter cast-in-drilled-hole concrete piles. The new abutments will be located approximately 10-13 feet beyond and upslope of the existing bridge abutments and the existing bridge abutments will be removed to a depth of 3 feet below the final grade.

A temporary median detour will be constructed between the existing bridges. The temporary median detour will include a temporary stream bypass within Tumey Gulch. Construction of the temporary stream bypass will include the placement of filter fabric, four 36-inch diameter alternative pipe culverts with smooth invert, sand bags (to construct a cutoff wall at the inlet end of the pipes, and a vertical face headwall at the pipes inlet), an impermeable liner, imported fill for the construction of an embankment, a rock slope protection (RSP) energy dissipator, and RSP at the pipe inlet and outlet.

Preliminary Water Quality Concerns: The Project could potentially result in short-term impacts to waters. Sediments, trash, debris, oil, grease, fuels, lubricants, concrete waste, sanitary waste and chemicals are pollutants of concern that could occur during the Project construction activities.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion and to minimize impacts to the environment.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: Approximately 475 cubic yards of clean fill dirt will be placed into 0.04 acre(s) of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data:

Table 1: Impacts from Fill and/or Excavation Activities

Aquatic Resource Type	Temporary Acres	Temporary Linear Feet
Stream channel	0.04	88

United States Army Corps of Engineers Permit Type: Nationwide Permit 14

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: The Applicant has applied for a Lake or Streambed Alteration Agreement.

Compensatory Mitigation: All areas disturbed by construction of the Project would be restored to pre-Project conditions through the implementation of erosion control measures and the re-seeding of disturbed soils using a native seed mix that contains species observed on or near the project site. In addition, specifications will be included in the construction contract to prevent the spread of invasive species.

Application Fee Provided: $6,955 was received on 30 August 2019. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

Figure 1- Project Vicinity Map

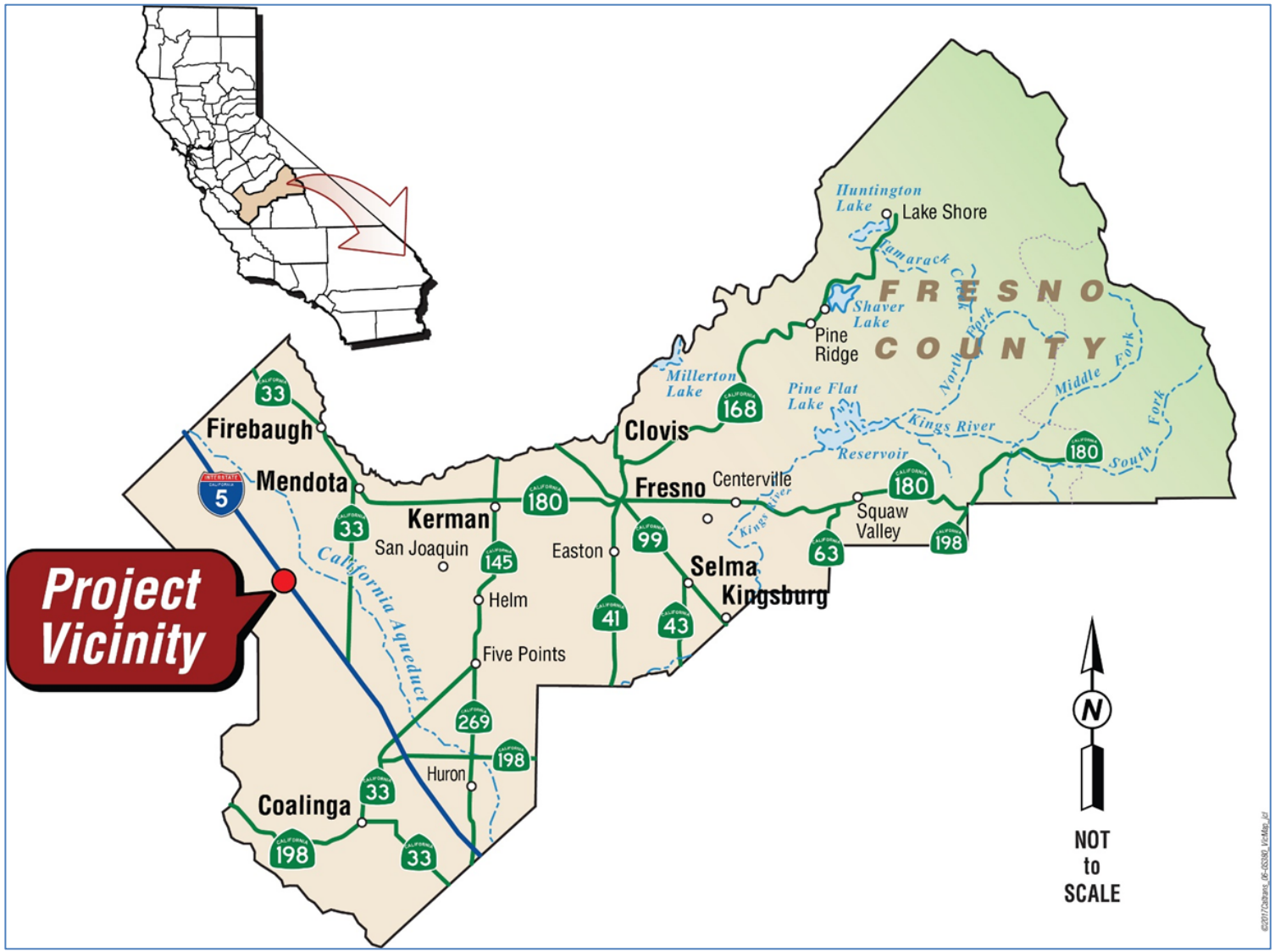

Figure 2- Project Topographic Map

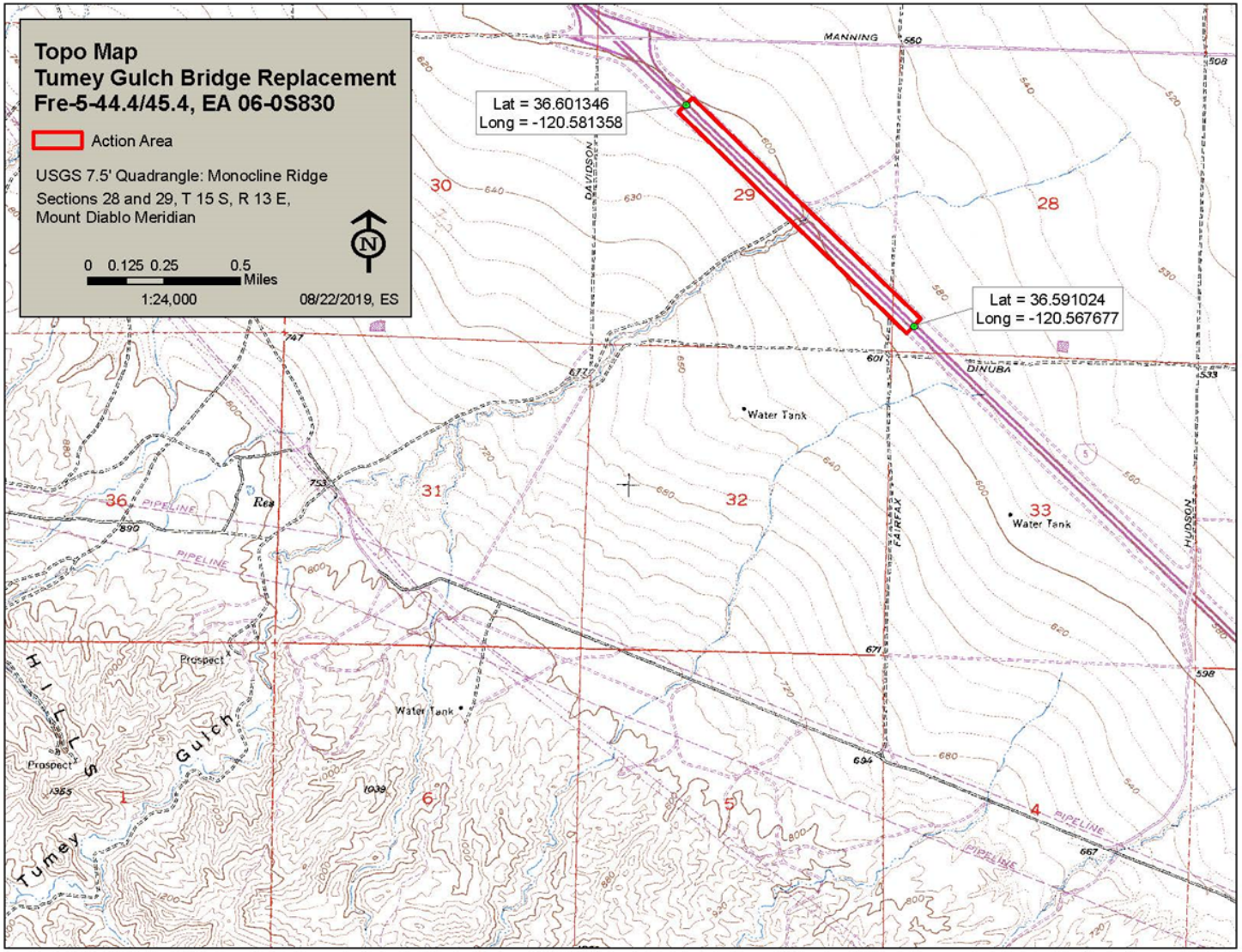

Figure 3-Impact Area