



Central Valley Regional Water Quality Control Board

31 October 2023

Carlos Gonzales
County of Tulare
5961 South Mooney Blvd
Visalia, CA 93277

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE COUNTY OF TULARE, M46 WEST OAKWOOD DRIVE EMERGENCY REPAIR PROJECT (WDID# 5C54CR00143), TULARE COUNTY

On 14 September 2023, the County of Tulare (Applicant) filed a notification requesting coverage under the 1 August 2023 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 M46 West Oakwood Drive Emergency Repair (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 0.313 acre/200 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/2023/rgp-8-certification-mainbody.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.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 14 September 2023, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

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

PROJECT DESCRIPTION:

The Project consists of replacing the existing M46 West Oakwood Drive over Capinero Creek Bridge that was completely washed out during the winter/spring 2023 storm events. Construction within Capinero Creek would be limited to temporary ground disturbance associated with construction activities and minimal permanent fills as a result of abutments and/or potential placement of rock slope protection to prevent erosion. Additionally, relocation of a utility pole and removal of a tree on the eastern abutment is also necessary to restore the washed-out bridge. The Project will permanently impact 0.013 acre/40 linear feet and temporarily impact 0.3 acre/160 linear feet of waters of the United States.

ADDITIONAL CONDITIONS:

1. Restoration of Temporary Impacts

The Applicant shall submit a restoration plan for Water Board staff approval in writing within forty-five (45) days of completion of construction that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impact to pre-project conditions. The level of detail in the restoration plan shall be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts attributed to the project. The restoration plan shall be implemented prior to termination of coverage.

2. Water Quality Monitoring

If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

- i. When performing any in-water work;
- ii. During the entire duration of temporary surface water diversions;
- iii. In the event that the Project activities result in any materials reaching surface waters; or
- iv. When any activities result in the creation of a visible plume in surface waters.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 1 sampling parameters. 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 unless otherwise approved in the Water Quality Monitoring Plan.

Table 1: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	Degrees F (or as degrees C)	Grab	Every 4 hours
Visible construction related pollutants ¹	Observations	Visual Inspections	Continuous throughout the construction period

3. Water Quality Monitoring Plan for In-Water Work or Diversions

A Water Quality Monitoring Plan shall be submitted to the approving Water Board for acceptance at least thirty (30) days in advance of commencement of project activity. The plan must, at a minimum, include the requirements contained in the Water Quality Monitoring section above and proposed monitoring methods and calibration procedures.

4. Reporting and Notification Requirements

The Applicant shall submit all reports in accordance with the report submittal instructions in Attachment B of Order No. WQ 2023-0061-DWQ, and in accordance with conditions specified in this Notice of Applicability, and email it to centralvalleyfresno@waterboards.ca.gov with a cc to Brandon Salazar at brandon.salazar@waterboards.ca.gov. The WDID No. for this Project is 5C54CR00143.

A. Monthly Reporting

The Permittee shall submit a Monthly Report (Report Type 1) on the 1st of each month until a Notice of Project Complete Letter is issued to the Enrollee.

The Monthly Report shall include the information specified in Attachment B, Section V.A of Order No. WQ 2023-0061-DWQ. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment B of Order No. WQ 2023-0061-DWQ.

B. Notification for In-Water Work and Diversions

The project proponent should notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via e-mail, delivered written notice, or other verifiable means.

¹ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

PROJECT LOCATION:

The Project is located at the M46 Road bridge over Capinero Creek.

Latitude: 35.8738 North and Longitude -118.6511 West.

PROJECT SCHEDULE:

The approximate timeframe of Project construction is from 30 November 2023 until up to 180 days from the start of construction. Any extension beyond 180 days from the start of construction must be approved in writing from the Army Corps of Engineers and submitted to the Central Valley Water Board.

APPLICATION FEE RECEIVED:

An application fee of \$2,734.00 was received on 17 October 2023.

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.

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

Original Digitally Signed by Alexander S. Mushegan
For Patrick Pulupa
Executive Officer

cc: Via email only:

U.S. Environmental Protection Agency
Region 9
R9cwa401@epa.gov

Taylor Powell
United States Army Corps of Engineers
Sacramento District Headquarters
Taylor.M.Powell@usace.army.mil

Patricia Cole
United States Fish & Wildlife Service
patricia_cole@fws.gov

Department of Fish and Wildlife
Region 4
R4LSA@wildlife.ca.gov

County of Tulare
M46 West Oakwood Drive Emergency Repair

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31 October 2023

cc: CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

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Dokken Engineering
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