
Central Valley Regional Water Quality Control Board

11 February 2020

Robert King
Georgia-Pacific Gypsum, LLC
801 Minaker Road, Box 460
Antioch, CA 94509

CERTIFIED MAIL
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**CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER
QUALITY CERTIFICATION; GEORGIA-PACIFIC GYPSUM, LLC, GEORGIA-PACIFIC
GYPSUM MAINTENANCE DREDGING (WDID#5B07CR00216), CONTRA COSTA
COUNTY**

This Order responds to the 19 August 2019 application submitted by Georgia-Pacific Gypsum, LLC (Applicant) for the Water Quality Certification of the Georgia-Pacific Gypsum Maintenance Dredging (Project), temporarily impacting 17.6 acres of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #35 (SPK-2019-00709) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Resources Control 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 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.

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

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. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
6. 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.
7. Any person signing a document under Standard Condition number 6 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.
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 performing any in-water work;
 - 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 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: Sample Type and Frequency Requirements

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ¹	Every 4 hours during in-water work	2, 3
Visible construction related pollutants ⁴	Observations	Visual Inspections	Continuous throughout the construction period	NA

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, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the

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 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.

⁴ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

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 in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth 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 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 less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. 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.

Exceptions to the above limits will be considered when a dredging operation can cause an increase in turbidity. In those cases, an allowable zone of dilution within which turbidity in excess of the limits may be tolerated will be defined for the operation and prescribed in a discharge permit.

For Delta waters, the general objectives for turbidity apply subject to the following: except for periods of storm runoff, the turbidity of Delta waters shall not

exceed 50 NTUs in the waters of the Central Delta and 150 NTUs in other Delta waters.

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

7. In-water work shall occur during periods of no precipitation.

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.

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

9. 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.

10. 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.

11. 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.

12. 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 through the entire duration of the Project.

13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

14. All areas disturbed by Project activities shall be protected from washout and erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. All materials resulting from the Project shall be removed from the site and disposed of properly.
17. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
18. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Nationwide Permit #35, the United States Fish and Wildlife Service decision document(s), or the California Department of Fish and Wildlife Streambed Alteration Agreement.
19. The Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.
20. 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.
21. 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:

- 22. 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.
- 23. 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: centralvalleysacramento@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:

Nicholas White, Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Nicholas.White@waterboards.ca.gov
(916) 464-4856

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that this project meets the Categorical Exemption, under Sections 15301 and 15304 of the California Code of Regulations, which exempts maintenance of existing facilities and minor alterations to land involving maintenance dredging.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Georgia-Pacific Gypsum, LLC, Georgia-Pacific Gypsum Maintenance Dredging (WDID#5B07CR00216) 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, Georgia-Pacific Gypsum, LLC's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth 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) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original Signed By James Marshal For:

Patrick Pulupa
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Vicinity Map
Figure 2 – Dredging Plan View

cc: Distribution List, page 12

PROJECT INFORMATION SHEET

Application Date: 19 August 2019

Applicant: Robert King
Georgia-Pacific Gypsum, LLC
801 Minaker Road, P.O. Box 460
Antioch, CA 94509

Applicant Representative: Nicolas Duffort
Anchor QEA, LLC
130 Battery Street, Suite 400
San Francisco, CA 94111

Project Name: Georgia-Pacific Gypsum Maintenance Dredging

Application Number: WDID#5B07CR00216

Date on Public Notice: 10 January 2020

Date Application Deemed Complete: 27 September 2019

Date All Information Received: 5 December 2019

Type of Project: Other

Approved Months of Project Implementation: The Project will be constructed 1 August through 30 November, or as otherwise required by the United States Fish and Wildlife Service, National Marine Fisheries, or Department of Fish and Wildlife.

Project Location: Section 18, Township 2 North, Range 2 East, MDB&M.
Latitude: 38.015714° and Longitude: -121.787356°

County: Contra Costa County

Receiving Water(s) (hydrologic unit): Sacramento-San Joaquin Delta, San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) has designated beneficial uses for the Sacramento San Joaquin Delta. 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); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); 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) (http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

303(d) List of Water Quality Limited Segments: The Sacramento-San Joaquin Delta is the receiving water for the Georgia-Pacific Gypsum Maintenance Dredging. The Sacramento-San Joaquin Delta is on the 303(d) list for chlorpyrifos, DDT, diazinon, electrical conductivity, Group A pesticides, invasive species, mercury, and unknown toxicity. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to Sacramento-San Joaquin Delta. The most recent list of approved water quality limited segments is found on the State Water Resources Control Board's [Impaired Water Bodies webpage](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml) (http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml).

Project Description: The Georgia-Pacific Gypsum Maintenance Dredging (Project) is located at the approach channel to the wharf at 801 Minaker Road. The Project consists of maintenance dredging to remove approximately 52,800 cubic yards of accumulated sediment from the channel. Maintenance dredging will restore historical channel design depths of -33.5 feet mean lower low water (MLLW) plus 2 feet of allowable over dredge, to provide adequate navigational depths for delivery vessels.

No dewatering will occur within the Project area. No wet concrete will be placed into the stream bed. The Project will temporarily impact 17.6 acres of waters of the United States.

Dredging operations and placement of dredged material to land is covered under General Waste Discharge Requirements for Maintenance Dredging Operations Sacramento-San Joaquin Delta, Order No. R5-2009-0085-0023 (WDID#5B07CR00219), issued to Georgia-Pacific Gypsum on 11 February 2020 for the Georgia-Pacific Gypsum Maintenance Dredging.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

Excavation/Fill Area: None

Dredge Volume: Approximately 52,800 cubic yards of native soil will be dredged from 17.6 acres of waters of the United States.

California Integrated Water Quality System Impact Data: The Project will temporarily impact 17.6 acres/2,600 linear feet of stream bed habitat from dredging activities.

Table 2: Total Project Dredge Temporary Impact Quantity

Aquatic Resource Type	Acres	Cubic Yards	Linear Feet
Stream Channel	17.6	52,800	2,600

United States Army Corps of Engineers File Number: SPK-2019-00709

United States Army Corps of Engineers Permit Type: Nationwide Permit #35

California Department of Fish and Wildlife Lake or Streambed Alteration

Agreement: The Applicant applied for a Lake or Streambed Alteration Agreement on 19 August 2019.

Possible Listed Species: Delta smelt, green sturgeon, California Coastal Chinook salmon, Spring-run Chinook salmon, Winter-run Chinook salmon, and Central Valley steelhead.

Status of CEQA Compliance: The Central Valley Water Board has determined that this project meets the Categorical Exemption, under Sections 15301 and 15304 of the California Code of Regulations, which exempts maintenance of existing facilities and minor alterations to land involving maintenance dredging.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) days of the date of this Certification.

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the Georgia-Pacific Gypsum Maintenance Dredging because all project impacts are temporary. No compensatory mitigation is required for temporary impacts.

Application Fee Provided: \$1,638.00 was received on 19 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 B - Dredging Discharges (fee code 86) with the dredge and fill fee calculator.

DISTRIBUTION LIST
Electronic Copies Only

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SPKRegulatoryMailbox@usace.army.mil

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AskBDR@wildlife.ca.gov

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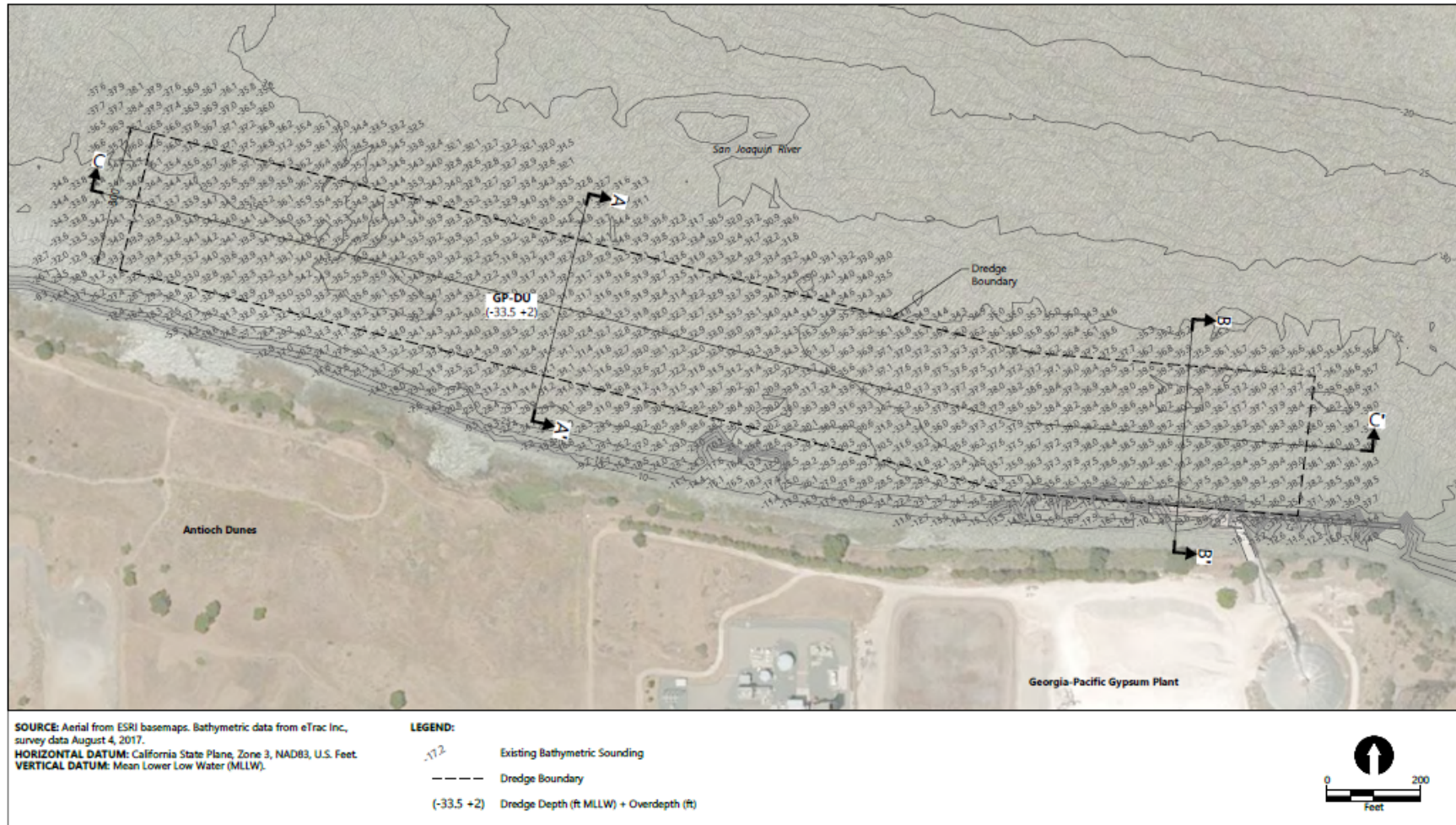


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Figure 1
Vicinity Map

Georgia-Pacific Gypsum Maintenance Dredging



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Figure 2
 Dredging Plan View
 Georgia-Pacific Gypsum Maintenance Dredging