



Central Valley Regional Water Quality Control Board

7 June 2024

Alvaro Buenrostro
Merced County Public Works Department
715 Martin Luther King Jr. Way
Merced, CA 95340

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE MERCED COUNTY PUBLIC WORKS DEPARTMENT, OAKDALE ROAD ALONG DRY CREEK EMERGENCY CREEK BANK STABILIZATION PROJECT (WDID# 5B24CR00112), MERCED COUNTY

On 27 March 2024, the Merced County Public Works Department (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 Oakdale Road along Dry Creek Emergency Creek Bank Stabilization Project (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 is taking place in 0.130 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 25 April 2024, 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the General Certification Order is no longer valid if the Project (as described) is modified.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 1.504-acre Project consists of emergency repair to a scoured section of stream bank within Dry Creek. The large, scoured area occurs on the outside of a slight bend in Dry Creek adjacent to Oakdale Road. The scour repairs consist of temporary dewatering of the repair area utilizing barriers constructed of fill material and Visqueen plastic, followed by the placement of backfill material and rock slope protection to reconstruct the bank to pre-scour contours.

The Project will temporarily impact 0.130 acre/200 linear feet of waters of the United States.

ADDITIONAL CONDITIONS:

1. Compensatory Mitigation for Riparian Impacts

The Applicant shall implement the riparian restoration plan, dated 25 May 2024, for the 0.015 acre of temporary and 0.024 acre of permanent impacts to riparian habitat. The proposed planting site is located at 3335 Merced Falls Road, Snelling, CA which is an approved revegetation planting site authorized by a Routine Maintenance Agreement Notification No. 1600-2019-0036-R4 with the California Department of Fish and Wildlife. The restoration plan shall be implemented prior to termination of General Certification Order coverage. The Applicant shall monitor the planting site to ensure success of the oak plantings for a minimum of 1 year from the effective date of this Notice of Applicability.

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). The Applicant 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 by the Executive Officer.

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. 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 5B24CR00112.

a. 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.

PROJECT LOCATION:

The Project is located within Dry Creek, adjacent to Oakdale Road in Merced County.

Latitude: 37.459564 Degrees and Longitude: -120.613986 Degrees

PROJECT SCHEDULE:

The Project started construction on 3 June 2024 and will continue through June 2024.

APPLICATION FEE RECEIVED:

An application fee of \$2,985.00 was received on 30 April 2024.

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.

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

Merced County Public Works Department
Oakdale Road along Dry Creek Emergency Creek Bank Stabilization

7 June 2024

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:

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