



Central Valley Regional Water Quality Control Board

24 September 2024

Thad Walker
Butte County Resource Conservation District
150 Chuck Yeager Way, Suite A
Oroville, CA 95965

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION
FOR REGIONAL GENERAL PERMIT 8 (ORDER WQ 2023-0061-DWQ), BUTTE
COUNTY RESOURCE CONSERVATION DISTRICT, PROCESS-BASED
RESTORATION IN THE PARK FIRE CULVERTS PROJECT, BUTTE COUNTY, WDID
NO. 5A04CR00366**

This letter serves to notify Butte County Resource Conservation District the Process-Based Restoration in the Park Fire Culverts Project (Project) is certified under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification for Regional General Permit 8 for Emergency Repair and Protection Activities (General Order; Order WQ 2023-0061-DWQ). The project site is located at latitude 39.853093 and longitude -121.709685 in Butte County, California.

This Notice of Applicability (NOA) is being issued to Butte County Resource Conservation District (hereinafter Enrollee) by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) under the General Order pursuant to Section 3838 of the California Code of Regulations. A copy of the General Order is enclosed and may also be accessed on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the Notice of Intent requesting coverage and supplemental information (Application Package) submitted by the Enrollee and is limited to the impacts identified in the Application Package and described in this NOA. If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

I. EMERGENCY WORK DESCRIPTION

On 24-27 July 2024, the Park Fire burned the Big Chico Creek and adjacent watersheds in Butte County, California. Areas in the Big Chico Creek Canyon burned at high severity leaving no ground cover or streamside vegetation along tributaries. Big Chico Creek is an anadromous stream now at risk of significant sedimentation as well as upland erosion. The roads necessary for evacuation and emergency response in Big Chico Creek Canyon are at high risk of being damaged or destroyed by debris flows this winter. The canyon also has a history of episodic slope failures.

Repairs will occur on Chico Canyon Road, Harris Wagon Road, Upper Park Road, 10 Mile House Road, and Ponderosa Way. These roads provide critical emergency access to the canyon for CAL FIRE, Search and Rescue, and law enforcement. They also provide the only alternative evacuation route for the community of Cohasset, California.

To rectify the emergency situation, the Enrollee proposes to replace undersized culverts at twelve locations and armor fill at fourteen locations. The culvert replacements will utilize an excavator to remove the culvert when the stream is dry, place the appropriately sized culvert, and then replace and recompact the removed fill. Fill armoring will consist of placing native boulders and rock on the downstream side of crossings. The road surfaces will also have the installation of rolling dips and critical dips, such that the hydraulic energy leaving the road prism is dissipated by falling on rock rather than bare earth.

II. DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE

Total Project impacts are summarized in Tables 1 and 2.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.02	55.5	270

Table 2: Total Project Fill/Excavation Quantity for Permanent Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.04	33.9	322

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

III. WATER QUALITY MONITORING

A. General:

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 Permittee shall perform surface water sampling:

1. when performing any in-water work;
2. during the entire duration of temporary surface water diversions;
3. in the event that the Project activities result in any materials reaching surface waters; or
4. when any activities result in the creation of a visible plume in surface waters.

B. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

B. In-Water Work or Diversions:

During planned in-water work, dewatering activities, or during the installation or removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

1. 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.
2. Activities shall not cause turbidity increases in surface water to exceed:
 - a. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - b. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - c. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - d. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - e. 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.

Sampling during in-water work shall be conducted in accordance with Table 3 sampling parameters.² The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. A Water Quality Monitoring Report shall be submitted weekly. In reporting the data, the Permittee 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 Order 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 in III.C.2.

If no sampling is required, the Permittee shall submit a written statement stating, “No sampling was required” in the weekly report.

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Visible construction related pollutants ³	Observations	Visual Inspections	Continuous throughout the construction period
Turbidity	NTU	Grab	Every 4 hours

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. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-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.

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

IV. REPORTING

The Enrollee must notify the Central Valley Water Board no less than forty-eight (48) hours prior to initiating the emergency project.

A Notice of Completion (NOC) shall be submitted by the Enrollee within 45 calendar days of completion of Project activities. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the Enrollee's Notice of Intent.

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

V. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

If you have any questions regarding this Notice of Applicability, please contact Katie Gilman at (530) 224-3212 or Katie.Gilman@Waterboards.ca.gov.

Original Signed by Clint E. Snyder, AEO
For Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

09/24/2024
Date

KAG: db

Enclosure: State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification for Regional General Permit 8 for Emergency Repair and Protection Activities (Order WQ 2023-0061-DWQ)

cc via email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Maya Bickner, U.S. Army Corps of Engineers, Sacramento District
Elaine Jeu, California Department of Fish & Wildlife, Rancho Cordova

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Attachment A – Project Maps

Figure 1: Project Location Map

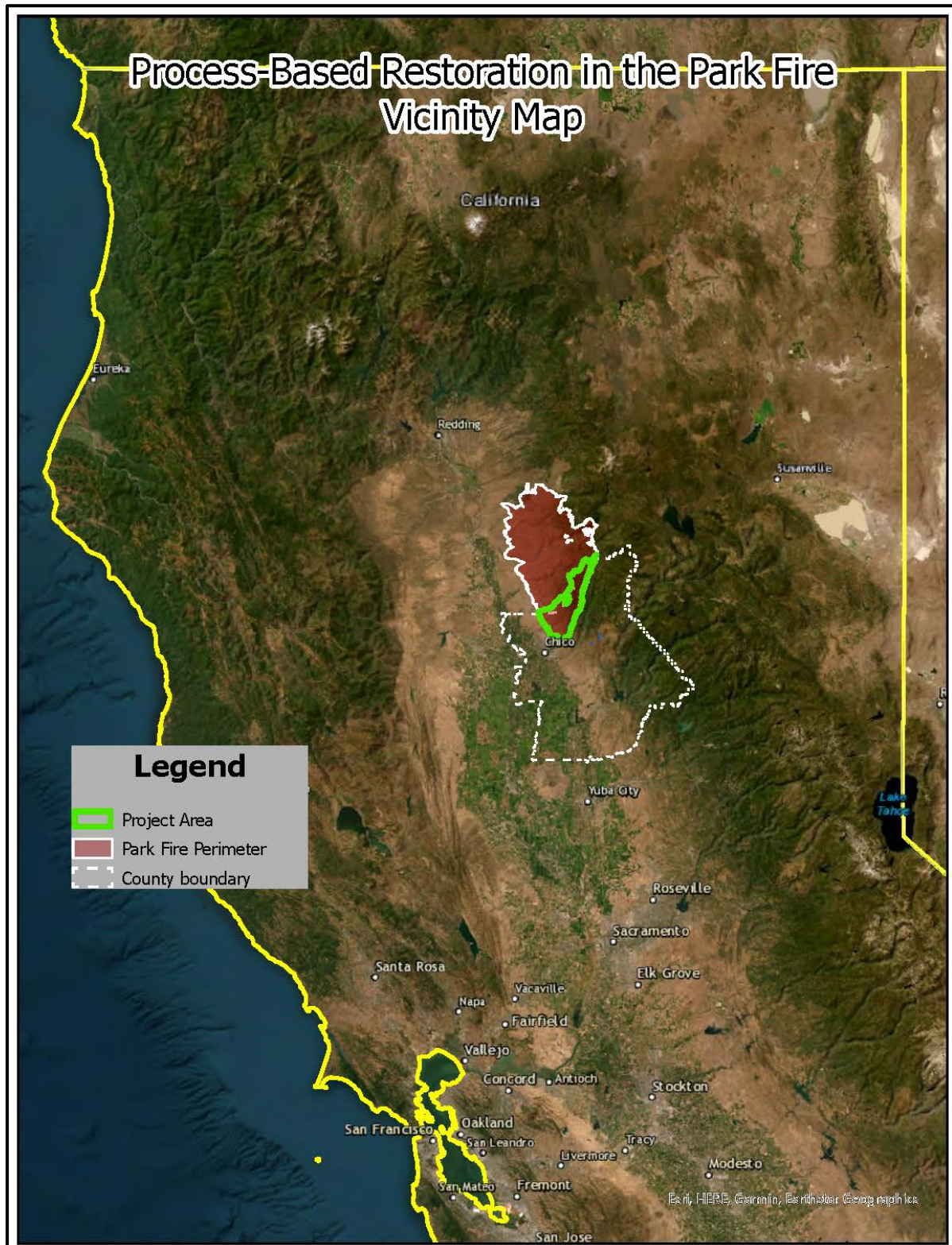


Figure 2. Project Impacts Map 1

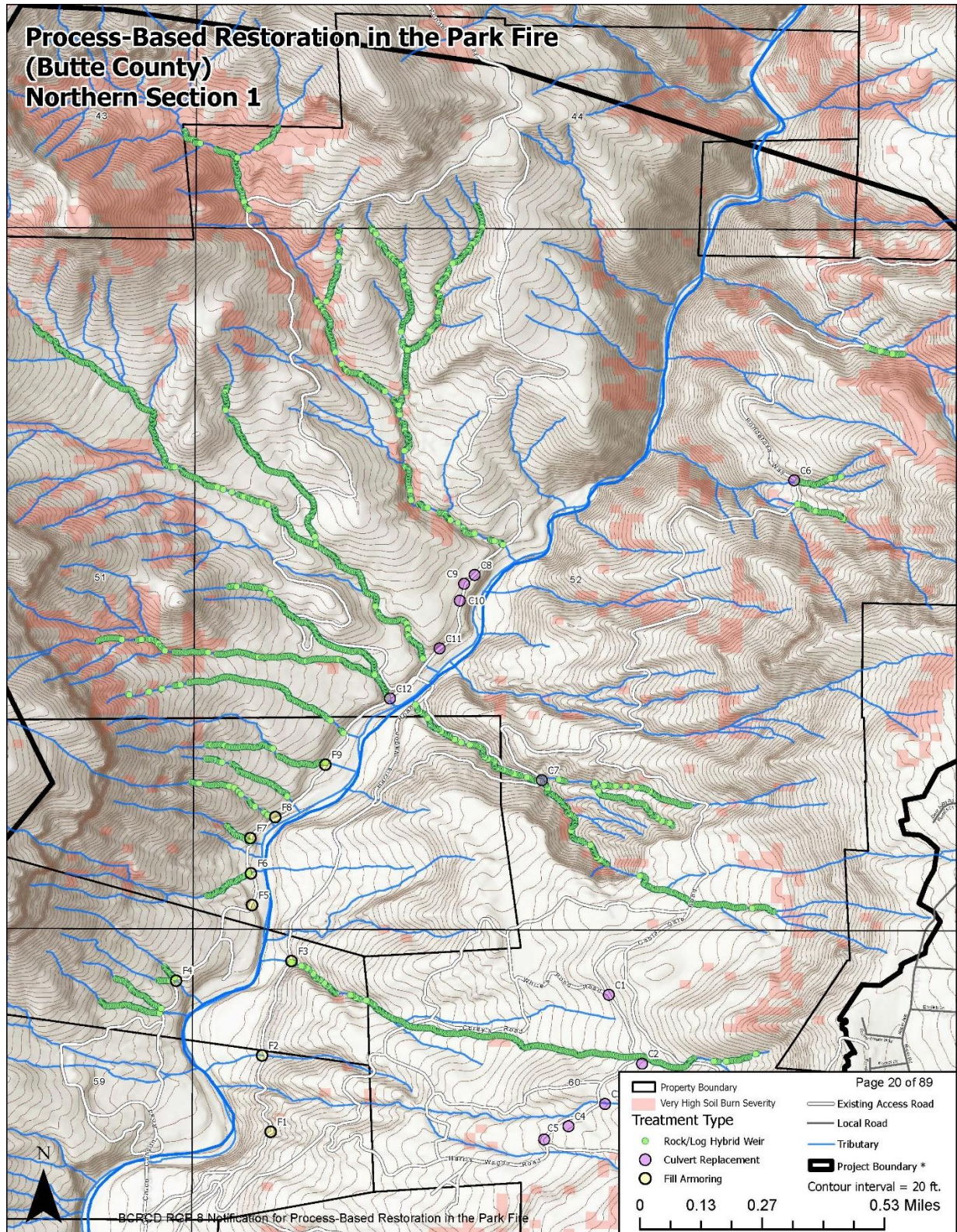


Figure 3. Project Impacts Map 2

