



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

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Arnold Schwarzenegger
Governor

JUL 06 2009

Ms. Susan Miller
Contra Costa Transportation Authority
3478 Buskirk Ave., Suite 100
Pleasant Hill, CA 94523

Dear Ms. Miller:

CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION FOR THE
STATE ROUTE 4 WIDENING PROJECT (PROJECT), CITIES OF PITTSBURG AND
ANTIOCH, CONTRA COSTA COUNTY (CORPS FILE #2002-26746N)

On April 11, 2008, the San Francisco Bay Regional Water Quality Control Board
(San Francisco Bay Water Board) received an application from the Contra Costa Transportation
Authority (Authority) for CWA section 401 Water Quality Certification (Certification) for
Phase 1 of the Project. San Francisco Bay Water Board staff reviewed the information
submitted by the Authority describing the project activities and the proposed water quality
protection measures.

On February 11, 2009, the project file was forwarded to the State Water Resources Control
Board (State Water Board) because the project was expanded to include Phase 2, which
extends into the jurisdiction of the Central Valley Regional Water Quality Control Board (Central
Valley Water Board). The State Water Board issues or denies certifications that affect waters
within multiple Regional Water Boards. State Water Board staff consulted with the
San Francisco Bay Water Board and Central Valley Water Board, as well as the U.S. Army
Corps of Engineers.

Pursuant to Title 23, section 3838 of the California Code of Regulations, I hereby make the
Certification determination described in the Enclosure for these projects. Attachments A
through D to the Enclosure are also a part of this Certification.

If you require further assistance, please contact Anna Hawatky, the staff person most
knowledgeable on the subject, at (916) 341-5483 (ahawatky@waterboards.ca.gov). You may
also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at
(916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,


Dorothy Rice
Executive Director

Enclosure

cc: (See next page)

California Environmental Protection Agency

Ms. Susan Miller

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cc: (all with Enclosure)

Mr. Jan Novak
U.R.S. Corporation
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Mr. David Smith
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
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Ms. Jane Hicks
Regulatory Branch
San Francisco District
U.S. Army Corps of Engineers
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San Francisco, CA 94103-1398
jane.m.hicks@usace.army.mil

Mr. Bruce H. Wolfe
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
BWolfe@waterboards.ca.gov

Ms. Pamela Creedon
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
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Ms. Melissa Escaron
California Department of Fish and Game
P.O. Box 47
Yountville, CA 94599
MESCARON@dfg.ca.gov

cc: (See continuation page)

Ms. Susan Miller

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cc: (all with Enclosure)

Mr. Hardeep Takhar
California Department of Transportation
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Mr. Ryan Olah
U.S. Fish and Wildlife Service
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Arnold Schwarzenegger
Governor

ACTION ON REQUEST FOR CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION FOR THE STATE ROUTE 4 (SR4) WIDENING PROJECT, CONTRA COSTA COUNTY (Corps File No. 2002-26746N)

PROJECT: CWA Section 401 Certification SR4 Widening Project, Contra Costa County

APPLICANT: Ms. Susan Miller
Contra Costa Transportation Authority
3478 Buskirk Avenue, Suite 100
Pleasant Hill, CA 94523

This Order responds to your request for a 401 Water Quality Certification (Certification) for the Contra Costa County Transportation Authority's (Authority) SR4 Widening Project (Project). The Authority has applied for a U.S. Army Corps of Engineers (Corps) Individual Permit (Corps No. 2002-26746N) pursuant to section 404 of the CWA (33 U.S.C. 1344) for the proposed Project. The Authority has applied to the State Water Resources Control Board (State Water Board) for a Certification that the Project will not violate State water quality standards.

ACTION:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input type="checkbox"/> Order for an Amendment of a
Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge
Requirements |

PROJECT DESCRIPTION:

The Authority proposes to widen SR4 in the cities of Pittsburg and Antioch, through Contra Costa County. The Project is located 0.8 miles west of Loveridge Road, and approximately 0.7 miles east of Hillcrest Avenue. This Certification applies to the entirety of the Project from Loveridge Road to State Route 160.

The Project's purpose is to provide traffic congestion relief and meet future traffic demand through the year 2030. Widening activities consist of converting the existing four lane highway to an eight lane facility (three lanes plus a commuter lane). The Project has been designed with additional space within the SR4 median to accommodate the possibility of future public transit improvements.

The primary receiving waters in the Project area are Old Kirker Creek, Kirker Creek, the Los Medanos Wasteway, and West Antioch Creek. All drain to Suisun Bay, approximately four miles north of SR4. Work in jurisdictional waters includes:

- Replacement of a box culvert at Old Kirker Creek. The existing Old Kirker Creek concrete box culvert will be replaced with a higher capacity double box culvert and

extended approximately 38 feet upstream. Approximately 28 linear feet of riprap will be placed upstream of the new culvert;

- In-kind replacement and extension of box culverts at Kirker Creek and the Los Medanos Wasteway. Rock slope protection will be placed at the outlets and inlets of both culverts. Kirker Creek currently crosses beneath SR4 through a 72 inch concrete pipe and double box culvert, and daylights north of Loveridge Road; this system will be replaced in-kind and extended to the south by approximately 98 linear feet with an additional 82 linear feet of riprap; and
- Relocation of a 36 inch sanitary sewer line crossing Old Kirker Creek. The existing line crosses the creek south of the upstream end of the existing culvert and will be relocated south of the existing SR4 crossing.

Additional work includes:

- Widening of the Roosevelt Lane pedestrian undercrossing and the Cavallo Road undercrossings;
- Reconstruction of the Loveridge Road, Somersville Road, Contra Loma; Boulevard-L Street, Lone Tree Way- A Street, and Hillcrest Avenue interchanges. A sixth intersection at G street would be redesigned to accommodate a new SR4 overstructure;
- Replacement of the Century Boulevard undercrossing structure; and
- Shifting of SR4 frontage roads California Avenue and North Park Boulevard to the north to accommodate widening and interchange improvement activities.

STANDARD CONDITIONS:

1. This Certification action 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 Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, Title 23 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.
3. This Certification is conditioned upon total payment of any fee required under Chapter 28, Title 23 of the California Code of Regulations and owed by the applicant.

ADDITIONAL CONDITIONS:

1. Best Management Practices (BMPs)

- a. Appropriate BMPs shall be implemented throughout the project activities to help minimize sediment disturbance and suspension within the water. All BMP materials shall be on site and ready for use prior to project implementation. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.
- b. No equipment shall be operated in areas of flowing or standing water; no fueling, cleaning or maintenance of vehicles or equipment shall take place within jurisdictional waters or within any areas where an accidental discharge may occur.

- c. Activities shall not cause turbidity increases in surface water to exceed:

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

- (b) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

- (c) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;

- (d) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

- d. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
- e. In the event that project activities occur in surface waters, result in the deposition of soil materials, or create a visible plume, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site and the results reported to the State Water Board:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during work in water
Settleable Material	ml/l	Grab	Same as above.

- f. The Authority shall notify the State Water Board immediately if the above criteria are exceeded.
- g. Dewatering and diversion activities shall be executed as described in the "Dewatering and Non-Storm Water Discharge Control Plan" revised May 9, 2009. Any deviation from the Project plans shall require State Water Board approval.
- h. Stream diversion activities shall occur only between April 1st and October 15th.
- i. Prior to dewatering and diversion activities, the Authority shall ensure a biologist is on site to ensure no sensitive aquatic species are stranded in areas of dewatering and diversion.
- j. The Authority shall immediately remove stream diversion structures when diversion is no longer necessary. All diverted streams shall be returned to their original condition.
- k. All on- and off-site biofiltration swales shall incorporate a soil amendment to enhance their infiltrative capacity and be maintained on a regular basis to ensure optimal treatment functionality.
- l. The off-site stormwater treatment project shall be completed at or before Project completion.
- m. No debris, soil, silt, sand, cement, concrete, or washings thereof, other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into jurisdictional wetlands or waters. Upon completion of construction, all construction-related materials shall be removed from the work area and any areas adjacent to the work area.
- n. Disturbance or removal of vegetation shall be minimized. The site shall be stabilized utilizing BMPs, including the successful reestablishment of native vegetation, to enhance wildlife habitat values, and to prevent and control erosion and sedimentation. Revegetation work is not confined to the period of April 1st to October 15, but must be completed in the same calendar year.

2. Monitoring Reports

- a. Monitoring reports will be submitted by November 1st of each monitoring year to the 401 Program Managers of the State Water Board and the appropriate Regional Water Board(s) documenting work undertaken the previous year(s). The reports, at a minimum, shall include:
 - i. Names, titles, and affiliations of all persons who prepared the report and conducted field work;
 - ii. Copies of Corps permits, any special Conditions, and subsequent Letters of Memorandum;
 - iii. Analysis of all quantitative monitoring data;
 - iv. Electronic or color copies of all photo-documentation;
 - v. Maps showing the monitoring area, vegetation survey sites, and photo-documentation points; and
 - vi. Remedial action recommendations, as needed.
- b. Monitoring reports shall be submitted for five years. Reports shall be directed to: Program Manager, Certification and Wetlands Program at the following State and appropriate Regional Water Board office(s):

State Water Resources Control Board
Division of Water Quality
1001 "I" Street, 15th Floor
Sacramento, CA 95814

San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Central Valley Regional Water Quality Control Board
Sacramento Office
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

- c. The Authority shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to contain the discharge, and measures used to prevent future discharges.

ADMINISTRATIVE CONDITIONS:

1. The Authority shall submit to the State Water Board a Bill of Sale of 0.944 acres of seasonal freshwater wetland mitigation credits from Elsie Gridley Mitigation Bank.
2. The Authority shall adhere to the conditions imposed by the Project Individual Permit, issued to the Authority by the Corps.

3. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the State Water Board at least 30 days prior to the start of construction. Except as expressly allowed in this Certification, the discharge, or creation of the potential for discharge, to waters of the State of any construction wastes and/or soil materials including cement, fresh concrete, or washings thereof, silts, clay, sand, oil or petroleum products and other organic materials to waters of the State is prohibited.
4. The Authority shall maintain a copy of this Certification and supporting documentation (Attachments) 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.
5. The Authority shall grant State Water Board and Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project may have on the waters of the State.
6. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, processes, or sanctions as provided for under State law.
7. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Authority and/or responsible Project Site Supervisor, if the State Water Board determines that the project fails to comply with any of the terms or conditions of the Certification.
8. Designs and details for all post construction BMPs shall be submitted to the State Water Board for review and approval. Post construction BMPs shall not be constructed until State Water Board staff has approved the designs for the BMPs.
9. The activity(ies) described in the 401 Certification application shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
10. All protective measures included in the Biological Opinion (#1-1-05-F-0158 and amendment issued on April 15, 2008) issued by the United States Fish and Wildlife Service on June 13, 2005 and the 1602 Lake and Streambed Alteration Agreement (#1600-2008-0217-3) issued by the California Department of Fish and Game on November 6, 2008 for this project will be implemented. All protective measures included in the 1602 Lake and Streambed Alteration Agreement for the Somersville to State Route 160 segment will be implemented. A copy of the 1602 Lake and Streambed Alteration Agreement for the Somersville to State Route 160 shall be provided to the State Water Board prior to any discharge to waters of the State.
11. Any significant modifications to the Mitigation and Monitoring Report, June 2009 (Attachment D) must be approved by the State Water Board before implementation.

12. This Certification does not obviate the need to obtain other permits that may be required by federal, state, or local authorities.
13. Failure to comply with any condition of this Certification shall constitute a violation of the CWA and the Porter-Cologne Water Quality Control Act. Any such certification previously granted shall immediately be revoked, and any or all discharges shall cease. The permittee may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
14. Certification is conditioned upon total payment of the full fee required in State regulations (23 CCR section 3833). State Water Board staff received two checks one on March 1, 2009 (\$943.00) and another April 4, 2009 (\$347.00) for fees associated with this Project.

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Amna Hawatky at (916) 341-5483 (ahawatky@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), if all of the conditions listed in the certification action are met. This discharge is also regulated pursuant to State Water Board Quality Order No. 2003-0017-DWQ, which authorizes this certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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 strict compliance with the Mitigation and Monitoring Report for Jurisdictional Waters of the U.S, Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan.



Dorothy Rice, Executive Director
State Water Resources Control Board

7.06.09

Date

- Attachments:
- A. Signatory Requirements
 - B. Project Information Sheet
 - C. Project Impacts and Mitigation
 - D. Mitigation and Monitoring Report