



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

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Arnold Schwarzenegger
Governor

TO: Joyce Brenner
Chief, Environmental Engineering South
California Department of Transportation, District 3
703 B Street, P.O. Box 911
Marysville, CA 95901-0911

FROM: 
Dorothy Rice, Executive Director
EXECUTIVE OFFICE

DATE: APR 18 2008

SUBJECT: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION
AMENDMENT NUMBER TWO, FOR THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION'S DONNER SEGMENT 3 ROADWAY REHABILITATION
PROJECT. CALTRANS PROJECT NO. 03-NEVADA-80, PM 5.2 – 11.2,
U.S. ARMY CORPS OF ENGINEERS FILING NO. 200100227

The California Department of Transportation (Department) has requested that the State Water Resources Control Board (State Water Board) amend for the second time its Clean Water Act (CWA) section 401 Water Quality Certification (Certification) for the Interstate Highway 80 Donner Roadway Rehabilitation Project (Donner Project). This Certification was originally issued on December 17, 2001. This second, and final, Certification amendment is proposed for Segment 3 of the Donner Project. Staff of the State Water Board and the Central Valley and Lahontan Regional Water Quality Control Boards have reviewed the information regarding Segment 3 project activities and proposed water quality protection measures submitted by the Department in the letter received March 17, 2008.

Attachment 1 includes this Order amending the original Certification for the Donner Project. The conditions of the original Certification are still valid, except for those stormwater requirements deleted in the first amendment dated March 26, 2007. Therefore, the original conditions as amended, and the additional conditions of this Order apply to Segment 3. If any of these conditions conflict, the conditions of this Order prevail. Failure to comply with this Order is subject to enforcement actions against the Department. A description of the Segment 3 Donner Project and a project location map are also included in Attachment 1. Pursuant to Title 23, Section 3838 of the California Code of Regulations, I hereby make the Certification amendment determination described in Attachment 1 for this project. Please note that Attachment 1 includes 4 parts: (A) Certification Order (Amendment No. Two), (B) Signatory Requirement, (C) Project Information Sheet, and (D) Project Area Map.

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 341-5464 (CHarvey@waterboards.ca.gov). You may also contact Bill Orme, Chief, Certification and Wetlands Unit, Division of Water Quality, at (916) 341-5464 (BOrme@waterboards.ca.gov).

Attachment

cc: (See next page)

California Environmental Protection Agency

cc: (Continuation page)

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ATTACHMENT 1

WATER QUALITY CERTIFICATION AMENDMENT FOR THE DONNER SEGMENT 3 ROADWAY REHABILITATION PROJECT

Part A. Water Quality Certification Order

Part B. Signatory Requirement

Part C. Project Information Sheet

Part D. Project Area Map



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Arnold Schwarzenegger
Governor

ACTION ON REQUEST FOR WATER QUALITY CERTIFICATION AMENDMENT AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

PROJECT: Donner Segment 3 Roadway Rehabilitation Project
U.S. Army Corps of Engineers (USACE) Filing No. 200100227

APPLICANT: Joyce Brenner
Chief, Environmental Engineering South
California Department of Transportation, District 3
703 B Street, P.O. Box 911
Marysville, CA 95901-0911

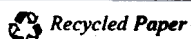
APPLICANT'S AGENT: Suzanne Melim, District 3 Biologist
Environmental Management M1 Branch
703 B Street, P.O. Box 911
Marysville, CA 95901-0911

This Order responds to your request on behalf of the California Department of Transportation (Department) – District 3 for the State Water Resources Control Board (State Water Board) to amend for the second time its Clean Water Act section 401 Water Quality Certification (original Certification) for the subject project issued on December 17, 2001. Your complete application was received on March 17, 2008. The conditions of the original Certification are still valid, except for those stormwater requirements deleted in the first amendment dated March 26, 2007. Therefore, the original conditions as amended, and the additional conditions of this Order apply to Segment 3. If any of these conditions conflict, the conditions of this Order prevail.

ACTION

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

California Environmental Protection Agency



In addition to the conditions of the original Certification, the Department must satisfy the following:

ADMINISTRATIVE CONDITIONS:

1. This amendment shall expire upon the expiration or retraction of the Clean Water Act Section 404 permit issued by the USACE, or five (5) years from the date of issuance of this amendment, which ever comes first.
2. A copy of this amendment and supporting documentation (Project Information Sheet and Project Map) must be available at the project site during construction for review by site personnel and agencies. All personnel performing work on the proposed project shall be familiar with the content of this amendment and its posted location on the project site.
3. The Department shall grant the State Water Board and Regional Water Quality Control 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 amendment and/or to determine the impacts the project may have on the waters of the State.
4. In the event of any violation or threatened violation of the conditions of this amendment, the violation or threatened violation must be subject to any remedies, penalties, processes, or sanctions as provided for under State law.
5. The State Water Board reserves the right to suspend, cancel, or modify and reissue this amendment, after providing notice to the Department 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 this amendment or conditions of the original Certification, as amended.
6. The Department 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 stop and contain the discharge, and measures implemented to prevent future discharges.

GENERAL DISCHARGE CONDITIONS:

1. For this project, the Department shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.
2. For this project, the Department shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

3. For this project, the Department shall not discharge waste classified as "hazardous" as defined in Title 22 California Code of Regulations section 66261 and California Water Code (CWC) section 13173.
4. No fueling, cleaning, or maintenance of vehicles or equipment shall take place in any areas where an accidental discharge to any waters, streams, or wetlands may occur.
5. Except as expressly allowed in this amendment, the discharge, or creation of the potential for discharge, of any soil materials including fresh concrete, cement, silts, clay, sand, and other organic materials to waters of the State is prohibited.

ADDITIONAL REPORTING PRIOR TO START OF CONSTRUCTION:

The Department shall submit to the State Water Board copies of USACE' section 404 permit application and the California Department of Fish and Game's Streambed Alteration Agreement application prior to any discharge to waters of the State.

2. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to State Water Board at least 30 days prior to the start of construction. This SWPPP shall include a Spill Prevention and Containment Plan. Except as expressly allowed in this amendment, the discharge, or creation of the potential for discharge, of any soil materials including fresh concrete, cement, silts, clay, sand, and other organic materials to waters of the State is prohibited.
3. The Mitigation and Monitoring Proposal, dated January 2008 and prepared by the Department for this project, is incorporated by reference into this certification. Mitigation Measures as generally described in Parts 3 through 10 of the Project Mitigation and Monitoring Proposal (January 2008) presented by the applicant as part of the request for the amendment, shall be implemented as planned. Any significant modifications to the Mitigation and Monitoring Proposal must be approved by the State Water Board before implementation. Amendment is also conditioned upon submission to the State Water Board of a record of the in lieu fees paid to the U.S. Army Corps of Engineers as part of the mitigation requirements.

REPORTING:

1. No later than 60 days from project construction completion, as-built plans shall be submitted to the State Water Board. These plans will identify areas where created wetlands have been installed and provide specifications of any modifications made to approved plans.
 - a. No later than 60 days from the first April 15th after project construction completion, the Department shall begin submitting annual mitigation monitoring reports to the State Water Board that assess the functional level of the prescribed mitigation measures, as established in Parts 4 and 7 of the Mitigation and Monitoring Proposal.

- b. As provided in Part 4.3 of the Mitigation and Monitoring Proposal, monitoring reports shall be submitted on an annual basis to the State Water Board for a period of five (5) years. In addition, if mitigation monitoring reports indicate that monitoring success criteria have not been achieved after five years, additional monitoring and annual reporting may be required by the State Water Board to ensure compliance with mitigation requirements.
 - c. The reports specified in Conditions 1.a and 1.b above shall describe vegetative cover and composition of the created wetlands using criteria established in Part 4.1 of the Mitigation and Monitoring Proposal. The reports shall also describe any rilling, gulying, channel formation or erosion that may have occurred in any area that might contribute sediment to the created wetlands above ordinary rates of sedimentation, or that otherwise might adversely affect the hydrologic function of the created wetlands.
 - d. The reports specified in Conditions 1.a and 1.b above shall describe vegetative cover and composition of the revegetation treatments of other waters using criteria established in Part 4.2 of the Mitigation and Monitoring Proposal. The reports shall also describe any rilling, gulying, channel formation, or erosion that may have occurred in any area that might adversely affect the hydrologic function of these other waters.
 - e. Monitoring reporting requirements shall not be satisfied until the Department has submitted a notice of mitigation completion and final mitigation report to the State Water Board, and that letter has been accepted in writing by the Executive Director.
- 2. All applications, reports, or information shall be submitted to attn.: 401 Certification and Wetlands Program, State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 95814.
 - 3. All information requested in this amendment, including monitoring and mitigation reporting, is pursuant to CWC section 13267. Civil liability may be administratively imposed by the State Water Board for failure to furnish requested information pursuant to CWC section 13268.

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 322-2514, or via e-mail at CHarvey@waterboards.ca.gov, or by mail at Certification & Wetland Program, State Water Resources Control Board, 1001 I St., 15th Floor, Sacramento, CA 95814.

WATER QUALITY CERTIFICATION:

The Water Quality Certification section of the original Certification is still valid, except for those stormwater requirements deleted in the first amendment dated March 26, 2007. I hereby issue an amendment to the California Department of Transportation's Donner Roadway Rehabilitation Project to reflect design changes made to the Phase 3 portion of this project.

Except insofar as may be modified by any preceding conditions, all this amendment is contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan.



Dorothy Rice
Executive Director

APR 18 2008

Date

Part B: Signatory Requirement
Part C: Project Information Sheet
Part D: Project Area Map

SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the State Water Board must be signed and certified as follows:

- (a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
- (b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
- (c) For a municipality, or a state, Federal, or other public agency, by either a principal executive officer or ranking elected official.

A duly authorized representative of a person designated in Items (a) through (c) above may sign documents if:

- (a) The authorization is made in writing by a person described in Items (a) through (c) above.
- (b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
- (c) The written authorization is submitted to the State Water Board Executive Director.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

PROJECT INFORMATION SHEET

Applicant	Joyce Brenner, Chief Environmental Engineering South California Department of Transportation, District 3 703 B Street, P.O. Box 911 Marysville, CA 95901-0911
Applicant's Agent	NA
Project Name	Donner Segment 3 Roadway Rehabilitation Project
Project Location	Eastbound Route 80 (Interstate Hwy. 80, or I-80) in Nevada, Co., CA west of Truckee; from the Castle Peak Under Crossing eastbound on-ramp (PM R5.2) to 1.4 miles west of Donner Park Overcrossing (PM R11.2), and westbound Route 80 from the Donner Summit rest area (PM 5.6) to just east of the Donner Lake UC (PM 9.1).
Type of Project	Road Rehabilitation.
Project Description	<p>On March 20, 2008, the State Water Resources Control Board (State Water Board) received an application from the California Department of Transportation (Department, or Caltrans), requesting an amendment to an existing Federal Clean Water Act, section 401, Water Quality Certification for activities related to a proposed project to rehabilitate sections of Interstate Hwy. 80 Nevada County. This amendment is requested to implement the third and final phase of a project that, when originally permitted, was to be a single project. Funding and scheduling issues caused the Department to break up the project into three segments. The original certification was issued December 17, 2001. A certification amendment for a second phase was issued March 26, 2007.</p> <p>The current project, Phase 3, (Caltrans Project No. EA 0A633) proposes to rehabilitate six miles of eastbound Route 80 from the Castle Peak UC eastbound on-ramp (PM R5.2) to 1.4 miles west of Donner Park Overcrossing (PM R11.2), and westbound Route 80 from the Donner Summit rest area (PM 5.6) to just east of the Donner Lake UC (PM 9.1). Proposed work includes:</p> <ul style="list-style-type: none">• Replace the #2 lane and outside shoulder at existing grade with a PCC structural section on eastbound Route 80. The existing lane and outside shoulder will be removed down to the existing Cement Treated Base (CTB) layer. The new PCC lane structural section will consist of 1.0 feet of PCC and 0.42 feet of LCB over the remaining existing

structural section. The new outside shoulder structural section will consist of 1.0 feet of PCC over the remaining existing structural section. See attached Typical Sections.

- Replace the #2 lane, truck climbing lane and outside shoulder at existing grade with a PCC structural section on westbound Route 80. The existing lanes and outside shoulder will be removed to a depth of 1.5 feet. The new PCC lanes and outside shoulder structural section will consist of 1.0 feet of PCC and 0.5 feet of LCB over the remaining existing structural section. See attached Typical Sections.
- Remove and replace 0.17 feet of AC on the existing ramps and vista point limits.

Reconstruct AC Dikes and Gutters.

- Reconstruct failed sections of pavement in the #1 lane, both eastbound and westbound, with PCC.

Grind the #1 lane smooth on both the eastbound and westbound Route 80. It is estimated that the grinding depth will be approximately $\frac{1}{4}$ to $\frac{1}{2}$ inch.

- Reconstruct the inside shoulders for traffic handling on both eastbound and westbound Route 80. The eastbound inside shoulder reconstruction will consist of removing 0.45 feet of the existing structural section and placing 0.45 feet AC. The westbound inside shoulder reconstruction will consist of removing 0.75 feet of the existing structural section and placing 0.45 feet AC and 0.30 feet AB.
- Replace metal beam guardrail
- Rehabilitate the existing drainage systems including rigid pipe liners for the existing cross culverts.
- Provide storm water quality treatment measures including 9 basin systems and other sand collection devices.
- Donner Lake UC (Br. No. 17-0076R), eastbound Route 80, PM R9.0, bridge deck overlay with polyester concrete, approach slabs, joint seals, and hinge restrainers.
- Donner Lake UC (Br. No. 17-0076L), westbound Route 80, PM R9.1 bridge deck overlay with polyester concrete, approach slabs, joint seals and hinge restrainers.
- Lighting safety upgrades to the existing lighting system.

- Existing overhead signs safety upgrades

The proposed activities involve work within waters of the U.S., including wetlands, and waters of the State.

A combination of avoidance, minimization and compensatory mitigation measures are proposed to offset potential effects of project construction to wetlands and waters of the U.S. All feasible and practical measures will be undertaken to avoid or minimize impacts to seasonal wetlands and other waters during construction. Mitigations also include preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).

Federal
Agency
Permit(s)

U.S. Army Corps of Engineers CWA NWP 23

State
Agency
Permit(s)

- California Department of Fish and Game 1602 Streambed Alteration agreement.
- State Water Board 401 certification.

Receiving
Water(s)
Name

Un-named ephemeral and perennial drainages identified throughout the project area flow under I-80 through cross culverts into Billy Mack Canyon, tributary to Donner Lake and the Truckee River.

Hydrologic
Unit(s)

USGS HUC 16050102 – Truckee CA-NV.

Dredge
and Fill
Volume (CY)

Not applicable

Water Body
Type(s)
& Area of
Filled /
Excavated
Waters (Acres)

- a. Waters of the U.S. Temporary Fill : 0.190 ac
- b. Waters of the U.S. Permanent Fill: 0.094 ac
- c. Waters of the U.S. Temporary + Permanent Fill: 0.284 ac.
- d. Waters of the U.S. (Wetlands) Temporary Fill: 0.027 ac
- e. Waters of the U.S. (Wetlands) Permanent Fill: 0.014 ac
- f. Waters of the U.S. (Wetlands) Permanent Fill: 0.041 ac
- g. Waters of the State Temporary Fill: 0.000 ac
- h. Waters of the State Permanent Fill: 0.000 ac
- i. Waters of the State Permanent + Temporary Fill 0.000 ac

Non-
Compensatory
Mitigation

A combination of avoidance and minimization mitigation measures are proposed to offset potential effects of project construction to wetlands and waters of the U.S. All feasible and practical measures will be undertaken to avoid or minimize impacts to seasonal wetlands and other waters during construction. These mitigation measures will conform to guidelines stated in the following documents: 1. Mitigation and Monitoring Proposal – Donner Segment 3 Road Rehabilitation Project (January 2008); 2. The Best Management Practices outlined in Section 7 of the Department's Standard Specifications; and the Department's "Construction Sites BMP Manual (2003)." Mitigations also include preparation and implementation of a SWPPP in accordance with guidance provided by the Department's Stormwater Pollution Prevention Plan and Water Pollution Control Program Preparation Manual (CTSW-RT-06-171.11-1, March 2007).

Compensatory
Mitigation

Compensatory mitigation shall be as described in "Chapter 3 – Mitigation Design" in the project Mitigation and Monitoring Proposal (January 2008).

The Department proposes to compensate for Temporary and Permanent impacts at a ratio of 1.5:1, as described below:

Temporary Impacts: Waters of the U.S. including Wetlands Temporary Impacts are expected to be 0.217 ac., to be mitigated at a ratio of 1.5:1 (i.e, $0.217 \times 1.5 = 0.325$ ac.). On-site treatment of temporarily affected sites shall serve to mitigate effects at a 1:1 ratio, leaving an obligation of 0.109 ac of compensatory mitigation ($0.325 - 0.217 = 0.109$ ac.).

Permanent Impacts: Waters of the U.S. including wetlands permanent impacts are expected to be 0.108 ac., with 0.162 ac of wetland creation proposed as mitigation.

The sum of Temporary and Permanent off-site mitigation proposed at a minimum of a 1.5:1 ratio is 0.271 ac ($0.162\text{ac} + 0.109\text{ ac} = 0.271\text{ ac}$). The sum of compensatory mitigation proposed through on-site creation of new wetlands is 0.271 ac. Additional mitigation is to be provided in the form of in-lieu payments to the U.S. Army Corps of Engineers. It is understood that after approved monitoring reports are accepted by the State Water Board, any remaining acres of the on-site created wetlands may be used as mitigation for other projects in the vicinity.

All waters for this project are treated as waters of the U.S. for the purposes of reporting, enforcement, and mitigation. Minor impacts to waters of the State were included in the impact calculations for waters of the U.S.

Public
Notice

Public Notice not required for amendment.

Fees

No fee associated with this amendment.

**Map 1: General Vicinity of Calif. Dept. of Transportation Interstate Highway 80
Donner 3 Roadway Rehabilitation Project, near Truckee, Sierra Co., Calif..**

