



Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
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Edmund G. Brown Jr.
Governor

MAY 06 2011

Mr. Issa Bouri
Project Management
Caltrans District 4
111 Grand Avenue
Oakland, CA 94612

Dear Mr. Bouri:

CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION FOR
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION INTERSTATE 580
EASTBOUND TRUCK CLIMBING LANE PROJECT: STATE WATER RESOURCES
CONTROL BOARD FILE NO. SB 10006IN, U.S. ARMY CORPS OF ENGINEERS FILE
NO. SPN-2010-00056 S

The California Department of Transportation (Applicant) has requested that the State Water Resources Control Board (State Water Board) issue a CWA Section 401 Water Quality Certification (Certification) for the Interstate 580 Eastbound Truck Climbing Lane Project (Project). An application for Certification was received on September 27, 2010. The application was found to be complete on February 2, 2011. State Water Board staff reviewed the information submitted by the Applicant describing Project activities and proposed water quality protection measures. Consultations regarding this Project were also conducted with staff of the Central Valley and San Francisco Bay Regional Water Quality Control Boards.

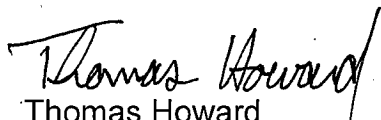
Pursuant to Title 23, section 3838 of the California Code of Regulations, I hereby make the Certification determination described in the Enclosure for this Project. Attachments A through E of the Enclosure are also part of this Certification.

California Environmental Protection Agency

MAY 06 2011

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 558-1709 (charvey@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,


Thomas Howard
Executive Director

Enclosure and Attachments (5): Attachment A. Signatory Requirements
Attachment B. Project Information Sheet
Attachment C. Project Area Map
Attachment D. Storm Water Treatments
Attachment E. Off-Site Mitigation Project Proposal

cc: Mr. Michael Jewell
Chief, Regulatory Branch
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Ms. Jane Hicks
Chief, Regulatory Branch
San Francisco District
US Army Corps of Engineers
1455 Market Street
San Francisco, CA 94103-1398

Ms. Andrea Meier
Regulatory Project Manager
San Francisco District
US Army Corps of Engineers
1455 Market Street
San Francisco, CA 94103-1398

cc: See next page.

MAY 06 2011

cc: Continuation page.

Mr. Jason A. Brush
Chief, Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Ms. Melissa Escaron
Environmental Scientist
California Department of Fish and Game
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558

Mr. Jerry Roe
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605,
Sacramento, CA 95825

Mr. Cyrus Vafai
Branch Chief, Water Quality Permits
Office of Water Quality
Caltrans District 4, 14th Floor, MS 8F
111 Grand Avenue
Oakland, CA 94612

cc: See next page.



MAY 06 2011

cc: Continuation page.

Mrs. Shin Roei Lee
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

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

Ms. Elizabeth Lee
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114



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Governor

ORDER FOR CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION INTERSTATE 580 EASTBOUND TRUCK CLIMBING LANE
STATE WATER RESOURCES CONTROL BOARD FILE NO. SB 10006IN
U.S. ARMY CORPS OF ENGINEERS FILE NO. SPN-2010-00056 S

PROJECT: California Department of Transportation Interstate 580 Eastbound Truck Climbing Lane

APPLICANT: Issa Bouri
Project Management
Caltrans District 4
111 Grand Avenue
Oakland, CA 94612

This Certification responds to your request on behalf of the Applicant for water quality certification for the subject Project. Your application was received on September 27, 2010, and was determined to be complete on February 2, 2011 after the Applicant provided additional information regarding the Project and made revisions to the Project plans to provide additional protection for water quality.

ACTION

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

AUTHORIZATION:

This Certification conditionally certifies the construction of the Project as described in the Certification application and the supplemental materials provided to the State Water Board on January 28, 2011, and the Stormwater Treatment and Hydromodification Control supplemental materials provided to the State Water Board on March 17, 2011.

California Environmental Protection Agency

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 (CWC) and California Code of Regulations (CCR), title 23, chapter 28, article 6 (commencing with section 3867).
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 CCR, title 23, section 3855(b), 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 CCR, title 23, chapter 28 and owed by the Applicant. A check for \$805.00 was received at the State Water Board on October 19, 2010.

ADMINISTRATIVE CONDITIONS:

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Applicant and/or responsible contractor(s)/sub-contractor(s), if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. This Certification shall expire upon the expiration, retraction, or substantial modification of the CWA Section 404 permit issued by the U.S. Army Corps of Engineers, or five (5) years from the date of issuance of this Certification, which ever comes first.
3. A copy of this Certification, the application, and the supplemental materials dated January 28, 2011 and March 17, 2011 shall be available at the Project site during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Certification and its posted location on the Project site.
4. Applicant shall grant State Water Board and Regional Water Quality Control Boards (Regional Water Board, collectively, Water Boards) 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 waters of the State.

5. 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, processes, or sanctions as provided for under state or federal law. For purposes of CWA, section 401(d), the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification Order.
6. In response to a suspected violation of any condition of this Certification, the Water Boards may require the holder of this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
7. The State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.) or section 303 of the CWA.
8. The Applicant shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of Waters of the State (including wetlands, rivers or streams). 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.
9. Permitted activities 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.
10. Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in a Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.
11. This certification does not obviate the need to obtain other permits that may be required by federal, state, or local authorities. 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. Applicant may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

ADDITIONAL CONDITIONS:

1. Construction and operation of the Project shall adhere to (1) all Mitigation Measures (MMs) found in the Project Mitigated Negative Declaration and Initial Study prepared by the Applicant, dated January 2010; (2) the National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) re-validation approved November 1, 2010; (3) the project description provided in the application for certification; and (4) the supplemental materials dated January 28, 2011 and March 17, 2011.
2. A Contact List containing all contact information for all key Project personnel, including environmental monitors, shall be provided to the State Water Board. No work on the Project that may result in a discharge to a water of the State shall be permitted until the Contact List is received by the State Water Board. The State Water Board shall be provided with any update to this Contact List in a timely manner as personnel changes occur.
3. Mitigation for temporary impacts to 252 linear feet (0.0136 acres) of ephemeral watercourses shall be provided at a 1:1 ratio through a combination in-place restoration of disturbed areas and on-site construction or restoration of affected waters of the state.
4. In compensation for the loss of the 0.0552 acre wetland area, the Applicant shall provide at least 0.200 acres of aquatic emergent vegetation and/or riparian vegetation as part of the larger ongoing *Arroyo Mocho at Stanley Boulevard Revegetation Program (Arroyo Mocho Program)*. This off-site mitigation project shall be implemented as described in the Applicant's *Off-site Mitigation Proposal for the 1-580 Eastbound Truck Climbing Lane* (Attachment E) to improve water quality and habitat conditions in the affected reach.
5. To accomplish implementation and management in perpetuity of the mitigation project, a binding cooperative agreement (coop agreement) shall be reached between the Applicant and the management entity (Zone 7 Water Agency or other entity as approved by the State Water Board). The Applicant will collaborate with, and provide funding to the management entity to accomplish the off-site mitigation project. The management entity shall oversee the implementation of the mitigation project, and shall be responsible for the management and maintenance of the project area to achieve project goals in perpetuity.

6. A final Off-site Mitigation and Monitoring Plan (Off-site MMP), detailing proposed mitigation at the Stanley reach of the Arroyo Mocho, shall be submitted and approved by the State Water Board no later than November 15, 2011. The Off-site MMP shall include an assessment of pre-project conditions, and design, implementation, post-implementation management and monitoring elements. The Off-site MMP shall include the following specifics:
- a. Description of project goals and objectives, including mitigation allocations for the entire project;
 - b. A clear description, including an accurate map, of the project implementation area;
 - c. Definition of roles and responsibilities for each partner;
 - d. An operating budget which shall provide for adjustment for inflation as needed;
 - e. A proposal to establish no less than 0.200 acres of wetland and/or emergent aquatic vegetation at the Arroyo Mocho program site;
 - f. A detailed riparian tree planting plan;
 - g. An invasive plant removal plan;
 - h. A site maintenance plan;
 - i. An adaptive management plan;
 - j. A legal mechanism to protect the mitigation area in perpetuity;
 - k. Documentation of a legal agreement between the management entity and the Applicant that allows the Applicant to implement mitigation on the off-site mitigation property;
 - l. CEQA documentation for the proposed mitigation project. If CEQA documentation is not available at the time of the Off-site MMP submittal, a CEQA status report and timeline may instead be included;
 - m. A minimum 10-year monitoring plan with survivorship, native and invasive percent cover, vigor, and hydrology metrics, success criteria and commitment to submittal of periodic monitoring reports to the Water Board. At a minimum, the Department shall propose a timeline to submit monitoring reports for years 0, 1, 2, 3, 5, 7, and 10. Site maps shall be prepared with photo-documentation points. Prior to implementing the off-site mitigation project, the Department shall photographically document the condition of the project site. Following installation of the mitigation, the immediate post-construction condition of the site shall be photo-documented and a report shall be submitted to the Water Board including the pre-construction photographs, the post-construction photographs, the map with the locations of the photo-documentation points clearly marked (Year 0 report) and any additional monitoring or assessments as required by the State Water Board. All monitoring and assessment shall be conducted according to applicable State Water Board Surface Water Ambient Monitoring Program (SWAMP) standards; and

- n. A mechanism for long-term post-establishment reporting of condition of the site, to document that the site continues to meet mitigation objectives.
7. The off-site mitigation project is one component of the larger Arroyo Mocho Program. Because the off-site mitigation project performance in improving the functions and values of the stream is dependent upon completion of the entire Arroyo Mocho Program, the off-site mitigation project cannot be severed from that program. The financial instruments and coop agreements shall acknowledge that failure to implement or maintain any significant portion of the overall Arroyo Mocho Program plan area can be cause for the State Water Board to require remediation or other compensation for the proposed off-site mitigation project.
8. Construction of all on- and off-site mitigation shall be completed prior to completion of Project construction for the I-580 project. The Applicant shall provide additional mitigation if it fails to meet this timeline. Any additional mitigation required shall be subject to approval by the State Water Board.
9. The Applicant will provide documentation that mitigation specified in the U.S. Fish and Wildlife Service (USFWS) Biological Opinion dated January 29, 2010 and amended September 1, 2010, has been accomplished according to the mitigation ratios approved by the USFWS.
10. Project implementation would result in 9.71 acres of added and reworked impervious area within the jurisdictional boundaries of Region 2. The Applicant shall provide stormwater treatment for 2.02 acres of impervious surface within the project area, as described in the supplemental materials provided to the State Water Board on March 17, 2011, to offset effects of these impervious surfaces. In order to meet requirements set by the San Francisco Bay Regional Water Quality Control Board (San Francisco Regional Water Board), the Applicant shall provide an additional 7.69 acres of stormwater treatment of similar pollutant loading to the I-580 project site, in the Arroyo Las Positas watershed, unless an alternative treatment location is approved by the Water Boards. A treatment proposal shall be submitted before commencement of construction, and the treatments shall be installed no later than the end of Project construction. If these additional treatments are not installed by the completion of project construction, a penalty will be assessed annually as follows: the initial treatment area requirement will be augmented by 20% of the project's remaining (uninstalled) treatment balance.
11. Prior to start of construction, the Applicant shall provide to State Water Board staff for approval the biofiltration designs, including soil specifications, for Project stormwater treatments. To reduce off-site movement of pollutants, biofiltration measures shall be consistent with the conditions of the San Francisco Bay Regional Water Board's Municipal Regional Stormwater NPDES Permit (Order R2-2009-

0074. NPDES Permit No. CAS612008). Additional specifications for maintenance of the constructed treatments, including biofiltration strips, infiltration devices, media filters, underground detention structures or any other stormwater treatments installed as part of the project, including the mitigation treatments, shall also be approved by the State Water Board prior to construction. The State Water Board staff shall have 14 days from the date of submittal to review the biofiltration designs, soil specifications, and the additional specifications for maintenance of the constructed treatments. If the State Water Board staff does not respond within 14 days, the Applicant may assume that the designs are approved.

12. Permit Registration Documents (PRDs) as required under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No 2010-0014-DWQ, NPDES No. CAS00002) (Construction Storm Water Permit) shall be submitted electronically to the State Board to obtain coverage under the Construction Storm Water Permit prior to commencement of construction. The applicant shall notify the State Water Board staff when this submittal is complete.
13. Soil erosion prevention and sediment control Best Management Practices (BMPs) shall be implemented throughout the construction and maintenance of the Project.
14. The discharge of petroleum products or other pollutants to surface waters that may result in violation of water quality standards is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
15. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not occur in or within 200 feet of any waters of the State. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State.
16. 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 any waters of the State.
17. State Water Board Program Manager shall be notified at least 14 days prior to commencement of construction of the project.
18. State Water Board staff shall be notified of any proposed change to the project design that may affect waters of the State so that the change may be evaluated and appropriate conditions developed as needed.

19. Reporting -- Notifications and reports shall be directed to: Program Manager, Certification and Wetlands Program at the following State and appropriate Regional Water Board offices:

State Water Resources Control Board
Division of Water Quality – 401 Certification and Wetlands Program
1001 "I" Street, 15th Floor
P.O. Box 100
Sacramento, CA 95814-2828

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

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

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709, via e-mail at charvey@waterboards.ca.gov, or by mail at State Water Resources Control Board, 401 Certification & Wetland Program, 1001 I Street, P.O. Box 100, Sacramento, CA 95814-2828.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Applicant is the Lead Agency responsible for compliance with the CEQA (Pub. Resources Code, § 21000 et seq.) for the Project. On August 26, 2009 an Initial Study and Mitigated Negative Declaration for the Project was posted on the State Clearinghouse website. On February 2, 2010 the Mitigated Negative Declaration was approved by the Applicant. On March 15, 2010, a Notice of Determination (NOD) was posted on the State Clearinghouse website with a Finding of No Significant Impact (FONSI) to concurrently notice compliance with NEPA. Following issuance of the NOD/FONSI, additional components were added to the project. An analysis of the effects of these additions found that no significant new impacts would result from the proposed changes. The Applicant subsequently approved the NEPA/CEQA addressing these changes on November 1, 2010. On January 26, 2011 a revised Notice of Determination based on the November 1, 2011 NEPA/CEQA documents, was posted on the State Clearinghouse Website.

The State Water Board, as a responsible agency, reviewed these environmental documents. In making its determinations and findings, the State Water Board must presume that the Mitigated Negative Declaration comports with the requirements of CEQA and is valid (Pub. Resources Code, § 21167.3, subd. (b)). As such, the State Water Board has reviewed and considered the environmental documents and all proposed mitigation measures. The State Water Board reviewed and evaluated the significant and potentially significant impacts to water quality identified in the August 26, 2009 Mitigated Negative Declaration and the NEPA/CEQA documents of November 1, 2010. Mitigation measures (MMs) described in this environmental document were adopted by the Applicant for this Project to reduce and minimize Project impacts. The MMs related to water quality include erosion control BMPs, development of a Construction Storm Water Pollution Prevention Plan (SWPPP) and implementation of temporary and permanent stormwater BMPs, including off-site provision of remediation for new and reworked impervious surfaces in the San Francisco Bay Region. Other MMs provide for spill control procedures, implementation of volume based flow control structures, implementation of construction windows to avoid wet weather and wildlife habitat uses. Compensatory mitigation for permanent effects to 0.0552 ac. of wetlands is provided.

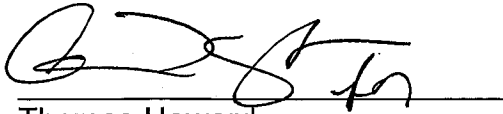
The State Water Board finds that these MMs for significant and potentially significant water quality impacts as identified in the Initial Study and Mitigated Negative Declaration, along with conditions in this Water Quality Certification, to be adequate to reduce water quality impacts to less than significant levels.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all of the conditions listed in this Certification or incorporated by reference are met, any discharge from the Project will comply with the applicable provisions of CWA 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). This discharge is also regulated pursuant to State Water Board Water 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.

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 Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the State and Regional Water

Boards' Water Quality Control Plans, the Project Mitigated Negative Declaration and all other documents incorporated by reference.



Thomas Howard
Executive Director
State Water Resources Control Board

May 6, 2011

Date

- Attachments (6):
- A. Signatory Requirements
 - B. Project Information Sheet
 - C. Project Area Map
 - D. Storm Water Treatments
 - E. Off-Site Mitigation Project Proposal