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## Central Valley Regional Water Quality Control Board

6 September 2016

Mr. Stephen Fuller  
4135 Canyon Crest Road West  
San Ramon, CA 94582

### **CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; MR. STEPHEN FULLER, FULLER DOCK ACCESS STAIRWAY PROJECT (WDID#5A32CR00157), PLUMAS COUNTY**

This Order responds to the 13 June 2016 application submitted by Mr. Stephen Fuller (Applicant) for the Water Quality Certification of a Boating and Navigation project permanently impacting 0.0018 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit# 18 (SPK# 2016-00513) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

#### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This Order serves as a Water Quality Certification (Certification) action that 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 Section 3867 of the California Code of Regulations (CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR Section 3855(b) 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. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required Section 3833 of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.
  - a. For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if *authority* to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
  - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition No. 5 shall make the following certification, whether written or implied:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in writing at least **seven (7) days** in advance of the start of any work within waters the United States. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the U.S. Army Corps under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) 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.

4. The Applicant shall perform surface water sampling:
- a) when performing any in-water work;
  - b) in the event that project activities result in any materials reaching surface waters; or
  - c) when any activities result in the creation of a visible plume in surface waters.

The monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—
Temperature	°F (or as °C)	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
pH	Standard Units	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Dissolved Oxygen	mg/L & % saturation	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)

- <sup>(1)</sup> Grab samples shall be taken at mid-depth and be collected at the same time each day to get a complete representation of variations in the receiving water.
- <sup>(2)</sup> 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.
- <sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
- <sup>(4)</sup> A hand-held field meter may be used, provided that the meter utilizes a USEPA-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 required by this Certification shall be maintained at the Project site.

As appropriate, (e.g. Lakes) Surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the Applicant 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 Certification 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 below.

If no monitoring is conducted, the Applicant shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised April 2016* (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity, settleable matter, temperature, pH, and dissolved oxygen limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
- i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - v. 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 NTUs over background turbidity. 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 approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area
- c) Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.

- d) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
  - e) Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, temperature, pH, dissolved oxygen or other water quality objectives are exceeded.
  7. Work shall occur during periods of low water level (i.e., water level shall be below the construction area) and no precipitation.
  8. Activities shall not cause visible oil, grease, or foam in the receiving water.
  9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
  10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the Project site.
  11. Raw cement, concrete (or washing), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
  12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.

13. Concrete must be completely cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
14. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
15. All areas disturbed by Project activities shall be protected from washout or erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the Project.
18. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including but not limited to those requirements described in Lake or Streambed Alteration Agreement No. 1600-2016-0135-R2.
19. The Conditions in this water quality certification are based on the information contained in Mr. Stephen Fuller's application and in the attached "Project Information Sheet." If the Project, as described in the application and the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
20. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.
  - a) If Mr. Stephen Fuller or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the applicant is subject to civil monetary liabilities, for each day of violation, or criminal liability.
  - b) In response to a suspected violation of any condition of this certification, Central Valley Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley 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 (Water Code, Section 1051, 13165, 13267 and 13383). In response to any violation of the conditions of this

certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

- c) Mr. Stephen Fuller shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of Project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

#### **NOTIFICATIONS AND REPORTS:**

21. The Applicant shall notify the Central Valley Water Board within 7 days of the project completion.
22. The Applicant shall provide the Central Valley Water Board Contact indicated in this Certification a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation
23. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### **STORM WATER QUALITY CONDITIONS:**

The Applicant shall also satisfy the following additional storm water quality conditions:

1. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
2. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

- a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
  - b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
3. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices:
- a) minimize the amount of impervious surface;
  - b) reduce peak runoff flows;
  - c) provide treatment BMPs to reduce pollutants in runoff;
  - d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
  - i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Scott A. Zaitz, R.E.H.S.  
Environmental Scientist  
Central Valley Regional Water Quality Control Board  
364 Knollcrest Drive, Suite 205, Redding, California 96002  
Scott.Zaitz@waterboards.ca.gov  
(530) 224-4784

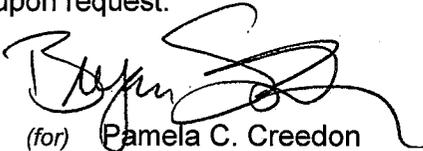
**WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from Mr. Stephen Fuller, Fuller Dock Access Stairway Project (WDID# 5A32CR00157) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ "Statewide General Waste Discharge

Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)."

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 compliance with conditions of this Certification, Mr. Stephen Fuller's application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River, Fourth Edition, revised April 2016* (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, title 23, Section 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.



(for) Pamela C. Creedon  
Executive Officer

Enclosure: Water Quality Order No. 2003-0017-DWQ

cc w/o  
enclosures: Mr. Matt Kelley, U.S. Army Corp of Engineers, Redding  
Department of Fish and Wildlife, Region 2, Rancho Cordova  
U.S. Fish and Wildlife Service, Sacramento  
Mr. Bill Jennings, CALSPA, Stockton  
Mr. Brett Womack, Almanor Dock Supply, Lake Almanor

cc w/o  
enclosures  
by email: Mr. Bill Orme, SWRCB, Certification Unit, Sacramento  
U.S. EPA, Region 9, San Francisco

## PROJECT INFORMATION

**Application Date:** 13 June 2016

**Application Complete Date:** 31 August 2016

**Applicant:** Mr. Stephen Fuller  
4135 Canyon Crest Road West  
San Ramon, CA 94582

**Applicant Representative:** Mr. Brett Womack  
Almanor Dock Supply  
461 Firehouse Road  
Lake Almanor, CA 96137

**Project Name:** Fuller Dock Access Stairway Project

**Application Number:** WDID No. 5A32CR00157

**Type of Project:** Boating and Navigation

**Project Location:** Section 28, Township 28 North, Range 08 East  
Latitude: 40°15'39" and Longitude: -121°05'00"

**County:** Plumas County

**Receiving Water(s) (hydrologic unit):** Lake Almanor, which is tributary to Feather River.  
Feather River Hydrologic Unit-Lake Almanor Hydrologic Area No. 518.41

**Water Body Type:** Lake

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised April 2016* (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Warm Freshwater Spawning (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml)

**303(d) List of Water Quality Limited Segments:** Lake Almanor is the receiving water for the Fuller Dock Access Stairway Project. Lake Almanor is not listed on the 303(d) list. This project does not impact an already impaired water body. The most recent list of approved water quality limited segments is found at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)

**Project Description (purpose/goal):** The Fuller Dock Access Stairway Project is located at 7023 Hwy 147, Lake Almanor. The project consists of the installation of a pre-fabricated 4-foot

wide by 20-foot long aluminum staircase, and three concrete footings measuring approximately five feet by five feet. Work is to be completed during seasonal recession of lake water. No excavation will occur within the water of Lake Almanor. The project will permanently impact 0.0018 acre of waters of the United States.

**Preliminary Water Quality Concerns:** Construction activities including soil disturbance, excavation, cutting/filling, and grading activities could result in increased erosion and sedimentation and may impact surface waters with increased turbidity, settleable matter temperature, pH and dissolved oxygen.

**Proposed Mitigation to Address Concerns:** The Applicant will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Applicant will conduct turbidity, settleable matter temperature, pH, and dissolved oxygen testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

**Fill/Excavation Area:** Approximately 0.0018 acre of native soil or other type of material will be excavated into 12 linear feet of waters of the United States. Approximately 1.7 cubic yards of concrete and aluminum will be placed into 12 linear feet of waters of the United States.

**Dredge Volume:** Not Applicable

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 0.0018 acre of lake shoreline from fill and excavation activities.

**Table 2: Impacts from Fill and Excavation Activities**

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Lake	--	--	--	--	--	--	0.0018	1.7	--
Riparian Zone	--	--	--	--	--	--	--	--	--
Stream Channel	--	--	--	--	--	--	--	--	--

Notes  
 NA Not Applicable

**U.S. Army Corps of Engineers Permit Number:** SPK-2016-00513

**United States Army Corps of Engineers Permit Type:** Nationwide Permit #18, Minor Discharges

**Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** The Applicant applied for a Lake or Streambed Alteration Agreement on 3 June 2016. Lake & Streambed Alteration Agreement Number: 1600-2016-0135-R2

**Possible Listed Species:** Not Applicable

**Status of CEQA Compliance:** The California Department of Fish & Wildlife signed a Notice of Exemption on 29 August 2016 approving a Categorical Exception pursuant Class 1 or General Rule Exemption stating the project will not have a significant effect on the environment.

**Compensatory Mitigation:** The Central Valley Water Board is not requesting compensatory mitigation for the project.

**Application Fee Provided:** An application fee of \$600.00 was submitted on 13 June 2016. A total fee of \$600.00 has been submitted to the Central Valley Water Board as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.