

June 25, 2010

**Public Notice for Water Quality Certification and/or Waste  
Discharge Requirements (Dredge/Fill Projects)**

City of Ferndale, Wastewater Treatment Facility Upgrade Construction  
WDID No. 1B09111WNHU  
Humboldt County

On September 17, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the City of Ferndale (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for construction of upgrades at the Ferndale wastewater treatment facility (WWTF) and a new discharge outfall structure into Francis Creek. The original scope of the project was adjusted based upon comments from the California Coastal Commission (CCC). The Applicant submitted supporting documentation on March 8, 2010, and an updated application on June 7, 2010. The proposed project will impact waters of the United States associated with Francis Creek and seasonal wetlands adjacent to Port Kenyon Road in Lower Eel River Hydrologic Area 111.00.

The proposed project is located north of Ferndale city limits along Port Kenyon Road between Market and California Streets on property owned by the City of Ferndale. A small fraction of the proposed project will occur immediately north of the existing wastewater treatment facility adjacent to Francis Creek just above the confluence with Salt River. Other portions of the proposed project will occur on the south side of Port Kenyon Road on property currently occupied in part by the existing influent pump station (headworks site).

The Applicant proposes to upgrade the existing WWTF by expanding the existing influent pump station, demolishing and removing existing structures, and constructing new extended aeration process components. The project includes placement of 5,000 cubic yards of imported fill on the existing headworks parcel, installation of underground utility lines, construction of a new concrete aeration basin and clarifier, various outbuildings, and perimeter fencing. A replacement outfall structure in Francis Creek will be constructed as part of the proposed upgrades. Construction staging and utility line trenching will result in temporary impacts to a total of 0.23 acres of seasonal wetlands, which currently support agricultural uses. Permanent impacts of 0.0002 acres (7 square feet) will result from construction of the new outfall structure and riprap protection features. In addition, the CCC has identified approximately 0.655 acres of impacts under their jurisdiction.

The existing land use will not change as a result of the construction of the WWTF. The WWTF will be constructed within the existing treatment facility and is being constructed in order to improve the water quality of the discharged material from the existing pump station. All earth moving activities will be completed during the dry weather months (June – September). Temporary indirect impacts will occur to grazing land immediately surrounding the WWTF as this land will be used for the construction staging area. An effective combination of soil erosion and sediment controls will be implemented to prevent sediment from entering into Francis Creek or surrounding upland areas through the installation of silt fences and coir fiber rolls.

Direct impacts that could not be avoided due to the construction of the WWTF include dredge and fill activities within an emergent wetland and Francis Creek. Since these impacts could not be avoided, the impacts were minimized. The emergent wetland will be temporarily impacted and then restored by grading it to pre-existing contours and seeding it with native species. Impacts to Francis Creek were minimized to the maximum extent practicable and will be limited to the installation of the outlet pipe and outlet protection. To ensure that additional direct impacts will not occur all best management practices (BMPs) will be installed and in good working order before construction commences. Silt fences will be installed along the construction limits of the waterline to ensure that sediment does not fill in additional wetland acreage from the construction of the waterline. Replacement of the outfall pipe at Francis Creek shall be conducted during the dry season period of June 15 through October 15. The work within Francis Creek will occur when the water level within the creek is low in which silt fence and coir fiber logs will be installed at the toe of slope to prevent sediment from flowing downstream. Any side slopes that are exposed after the installation of the outlet protection will be stabilized through temporary and permanent seeding and installation of control blankets.

In addition to the abovementioned avoidance, minimization, and mitigation measures, for impacts to waters of the United States, compensatory measures will be undertaken to offset the impact to CCC jurisdictional wetlands. Approximately 0.655 acres were identified as CCC jurisdictional wetlands on the headworks site. Compensatory mitigation for unavoidable direct impacts to wetlands and the Francis Creek pipe replacement area will be accomplished by the full replacement of lost wetland acreage, functions and values through the establishment of a new 1.55 acre seasonal wetland with a forested buffer near Francis Creek at the existing Ferndale WWTF. The proposed wetland mitigation area will be designed to exhibit more functions and values than the existing undeveloped portion of the headworks site. The proposed wetland will exhibit the following functions and values: habitat characteristics such as species diversity, plant cover, species composition; hydrologic regime to support hydrophytic vegetation; topographic complexity that allows interflow between the wetland and adjacent uplands and riparian areas; biogeochemical processes that would normally occur within a wetland; vegetation cover to sufficiently stabilize soils; a variety of habitats and food sources available throughout the year to support the wildlife that normally inhabits these areas; presence and characteristic of plant biomass and the presence of detritus and soil components that are needed for nutrients to be cycled within a wetland; physical structure of hydrology that minimizes gully flow and increases sheet flow so that water is retained in such duration as to allow percolation into soils and the water table to minimize downstream flooding as well as to contribute to the water needs of adjacent upland communities; and to have a complement of plant species established that fosters the development of microbial communities to assist with nutrient cycling.

The Applicant has obtained authorization from the United States Army Corps of Engineers (Army Corps) to perform the replacement of the discharge pipe into Francis

Creek (File No. 2006-289-180) pursuant to Clean Water Act Section 404. The Applicant has applied for authorization from the Army Corps for temporary impacts to seasonal wetlands associated with construction staging and installation of underground utility lines pursuant to Clean Water Act Section 404. The Applicant has obtained a Streambed Alteration Agreement from California Department of Fish and Game (File No. R1-09-0244). The Applicant has obtained a Coastal Development Permit from the CCC (File No. 1-09-024) and a State General Permit to Discharge Construction Storm Water from the Regional Water Quality Control board (WDID No. 112C356913). The City of Ferndale, as lead California Environmental Quality Act (CEQA) agency, has prepared and filed a Mitigated Negative Declaration with the Office of Planning and Research, (State Clearinghouse No. 2006062115, April 8, 2009), pursuant to CEQA guidelines.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Lisa Bernard at (707) 576-2677 within 21 days of the posting of this notice.

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