

State Water Resources Control Board

OCT 26 2015

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

Dear Ms. Miller:

On October 15, 2015 the State Water Resources Control Board (State Water Board) received your request to amend Contra Costa Transportation Authority's (Permittee) Clean Water Act section 401 Water Quality Certification (Certification) for the State Route 4 Widening Project (Project). You are requesting an amendment to extend the operating season for stream diversion activities, which is limited to April 1st through October 15th by Additional Condition 1.h, to November 5th in order to complete the work. The Project was originally certified on July 6, 2009 (Reg. Measure No. 382069; Corps File No. 2002-26746N). The Project is located in the cities of Pittsburg and Antioch, in Contra Costa County.

Settlement of new concrete pavement on the eastbound and westbound lanes of SR-4 over the West Antioch Creek culvert was observed by the Permittee. As a result of the subsequent engineering investigation, repair work on the culvert was identified that would require access to the interior of the new culvert for an additional three weeks beyond the season of work for stream diversion activities that were approved in the July 6, 2009 Certification. This seasonal limitation was required to avoid impacts to California red-legged frog (*Rana draytonii*)(CRLF). The Permittee has requested an extension of operating season in order to complete the work, which entails application of grout to the culvert joints. A gravel bag coffer dam is currently in place upstream and downstream from the work area and water is being diverted in order to complete the work in dry conditions; that diversion would continue to operate under the requested extension of the season of operation for stream diversion activities.

On October 16, 2015 State Water Resources Control Board staff conducted a Project site visit to determine whether the proposed extended season of activity and the proposed activity could have an adverse effect on CRLF. State Water Board staff also consulted with California Department of Fish and Wildlife (CDFW) about the proposed Project change. Based on the field investigation and consultation with CDFW, State Water Board staff concluded that the proposed extension to the work season and the proposed activities would have no adverse effect on CRLF if all other agency permitting requirements are observed by the Permittee.

State Water Board staff finds that no additional impact to water quality or beneficial uses of water will occur as a result of the proposed extension to the work season and the proposed activity. The State Water Board with this letter amends the Project Certification as follows:

This letter amends Additional Condition 1.h of the July 6, 2009 Certification to allow stream diversion activities through November 5, 2015 (new text is **underlined in bold**, deleted text is struck through).

1.h **Except as described below in 1.h.i**, Stream diversion activities shall occur only between April 1st and October 15th.

i. Extended stream diversion activities shall be permitted through November 5, 2015 for the West Antioch Creek Culvert as described in the Permittee's letter to the State Water Board dated October 15, 2015.

ii. The Permittee shall notify State Water Resources Control Board staff within 24 hours of completion of extended diversion activities described in 1.h.i.

Minor changes to one other condition are made to conform to current State Water Board requirements and practices. Additional Condition 2.a is modified as shown below

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)~~ **Stateboard401@waterboards.ca.gov with the Project name and the above mentioned Regulatory Measure Number in the subject line**, 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;
- iv. Maps showing the monitoring area, vegetation survey sites, and photo documentation points; and
- v. Remedial action recommendations, as needed.

Future Project modifications may qualify for a certification deviation. A new Additional Condition 3 is added to the Project Certification, along with a new Amended Attachment A, which prescribes certification deviation procedures.

3. The Permittee may apply for certification deviations by following Certification Deviation Procedures as outlined in Amended Attachment A.

If you have any questions, please contact Cliff Harvey at (916) 558-1709 or via email at Clifford.Harvey@waterboards.ca.gov or Bill Orme at (916) 341-5464.

Sincerely,


Thomas Howard
Executive Director

Amended Attachment A

Certification Deviation Procedures

cc: [Via email only] (w/enclosure)

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