

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 01-025

WASTE DISCHARGE REQUIREMENTS FOR:

HAYWARD 1900, INC.

BLUE ROCK COUNTRY CLUB PROJECT, WALPERT RIDGE, HAYWARD, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Board, finds that:

1. Hayward 1900 (hereinafter the Discharger) proposes to construct the Blue Rock Country Club Project (hereinafter Project), a 614-home gated residential subdivision and associated amenities on a 1,642-acre site on Walpert Ridge in the City of Hayward, as shown on the attached map, Attachment A. The Project consists of the following elements:
 - a. Construction of a 614-home planned community on approximately 185 acres, and requiring grading of a total of 311 acres;
 - b. Construction of an 18-hole championship golf course on approximately 225 acres, and including a driving range, clubhouse, maintenance building, and associated infrastructure;
 - c. Construction of a new combined elementary school/public park on approximately 11 acres;
 - d. Dedication, in fee title, of approximately 1,020 acres of undeveloped open space to the East Bay Regional Park District (EBRPD);
 - e. Placement of a conservation easement over and implementation of a resource management plan (hereinafter RMP) on approximately 180 acres of undeveloped open space within its proposed golf course, to be owned by the golf course;
 - f. Construction of 2 new water tanks immediately to the west of the proposed golf maintenance building and relocation of an existing water tank owned and operated by the City of Hayward; and,
 - g. Extension of the Bay Area Ridge Trail across the Project site.
2. There are approximately 23.5 acres of jurisdictional waters of the United States, including wetlands, within or in the immediate vicinity of areas proposed for development on the Project site, and an estimated total of 30-35 acres of waters of the United States on the Project site, comprised of wetlands, ponds, and creeks.
3. The Project will result in the direct placement of fill into or other direct disturbance of 9.2 acres of waters of the United States, including wetlands, that comprise portions of the headwaters of Ward Creek, Dry Creek, and Palomares Creek. Additionally, the Project

would temporarily impact 6 freshwater ponds (0.7 acres) to repair their eroded earthen dams. The Project's direct fill impacts are as follows:

- a. 4 stock ponds (0.59 acres)
 - b. 6,800 linear feet of freshwater seasonal/ephemeral creeks (0.57 acres);
 - c. 8.04 acres wet meadow, swale, vegetated drainages, and a freshwater seep;
4. Waters on the Project site serve as habitat for the federally-listed threatened California Red-Legged Frog (*rana aurora draytonii*, hereinafter CRLF). The Project will result in the fill of approximately 0.75 acres of core CRLF breeding and rearing habitat, and may indirectly impact CRLF through the creation of barriers to CRLF movement, the discharge of pollutants from the Project, and the potential to perennialize flow in creeks to which the Project is tributary, thus providing habitat for the bullfrog, which predates on CRLF.
5. The Project will indirectly impact beneficial uses of waters of the State through the operation and maintenance of the proposed golf course, including the use of fertilizers, pesticides (i.e., pesticides, herbicides, fungicides, and associated chemicals), golf course irrigation and maintenance, and disturbance from regular human use. The proposed roads, parking, and homes will indirectly impact beneficial uses through the discharge of urban runoff pollutants (e.g., oil and grease, heavy metals, pathogens, nutrients, pesticides, etc.).
6. To mitigate for its permanent fill of waters as described in Finding 3, the Discharger will complete the following:
- a. Create a minimum of 16.1 acres of freshwater seasonal wetlands;
 - b. Create a minimum of 1.2 acres (over at least 8 ponds) of freshwater seasonal ponds;
 - c. Enhance a minimum of 6,800 linear feet (1.5 acres) of freshwater seasonal creeks/headwaters creeks;
 - d. Enhance 0.7 acres of freshwater ponds (6 ponds) by reconstructing their existing eroded earthen dams;
 - e. Place a conservation easement over, implement a RMP on, and dedicate, in fee title, approximately 1,020 acres of undeveloped open space to EBRPD;
 - f. Place a conservation easement over and implement a RMP on approximately 180 acres of undeveloped open space within its proposed golf course; and,
 - g. Design and complete an adaptive management study of fenced and unfenced mitigation areas in Project open space and implement appropriate additional management measures as indicated by the study.
7. To mitigate for the Project's indirect impacts to water quality and beneficial uses of waters of the State, the Discharger will:
- a. Complete the development of and implement a post-construction Storm Water Management Plan (hereinafter SWMP) to address the Project's urban runoff impacts;

- b. Implement a Nuisance Flow Management Plan (hereinafter NFMP) to address the potential for the Project to create perennial flows and discharge pesticides (e.g., herbicides, fungicides, pesticides, rodenticides, etc.) in creeks to which the Project is tributary;
 - c. Implement, as a part of its Mitigation and Monitoring Plan (hereinafter MMP), a water quality plan to monitor and provide appropriate remediation for the discharge of pesticides and nutrients into creeks to which the project is tributary;
 - d. Implement a bullfrog eradication program in Garin and Dry Creek Regional Parks; and,
 - e. Complete the development of and implement a chemical application and management plan (hereinafter CHAMP) for the proposed golf course, including the golf maintenance facility.
8. As of the date of adoption of this Order, the Discharger has submitted the following draft plans to avoid, minimize, and mitigate Project impacts. These draft plans are generally acceptable to the Board, except as described elsewhere in this Order and its accompanying Staff Report.
 - a. Summary of financial assurances;
 - b. Draft MMP, Blue Rock Country Club (LSA, January 28, 2000);
 - c. Draft Blue Rock Habitat Areas Resource Management Plan (hereinafter RMP)(LSA, June 22, 2000), including draft conservation easements;
 - d. Typical designs for road and golf cart path creek and wetland crossings;
 - e. Draft Nuisance Flow Management Plan (hereinafter NFMP)(Balance Hydrologics, June 2000);
 - f. Conceptual SWMP for the residential, golf clubhouse, parking, and road portions of the Project (submitted as part of the January 28, 2000, MMP, and Interim Baseline Hydrology Report (IBHR), Balance Hydrologics, March 1999);
 - g. Conceptual construction-stage Storm Water Pollution Prevention Plan (SWPPP) (submitted as Appendix D of the January 28, 2000, MMP); and,
 - h. Conceptual CHAMP (described in Appendix D and on pages 93-95 of the January 28, 2000, MMP, and as part of the March 1999 IBHR.).
9. This Order requires the Discharger to submit, acceptable to the Executive Officer, for the items listed in Finding 8, final copies, final designs, and/or other final information, including additional information as described in this Order and the accompanying Staff Report. In addition, the Order also requires the Discharger to submit, acceptable to the Executive Officer, an adaptive management fencing plan, as a part of the Final MMP, including monitoring, reporting, and adaptive management implementation measures.
10. The Discharger applied to the Board for Water Quality Certification under Section 401 of the Clean Water Act on October 30, 1998. On October 30, 1998, the U. S. Army Corps of Engineers (Corps) issued a Public Notice for a proposed Individual Permit for the Project (Corps File No. 21586S) pursuant to Section 404 of the Clean Water Act. The Board requested a Report of Waste Discharge (ROWD) pursuant to Section 13263 of the California Water Code on February 18, 2000, and stated that it would not act on the

Discharger's application for Water Quality Certification. On March 25, 2000, the Discharger submitted a ROWD for the subject Project. The Corps issued an individual permit for the proposed Project on July 18, 2000.

Regulatory Authority

11. The Board has determined to regulate the proposed discharge of fill materials into waters of the State by issuance of waste discharge requirements (WDRs) pursuant to Section 13263 of the California Water Code (CWC). The Board considers WDRs necessary to adequately address impacts and mitigation to beneficial uses of waters of the State from this Project, to meet the objectives of the California Wetlands Conservation Policy (Executive Order W-59-93), and to accommodate and require appropriate changes over the life of the Project and its construction.
12. The Board, on June 21, 1995, adopted, in accordance with Section 13244 et. seq. of the CWC, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated and consolidated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters. This Order is in compliance with the Basin Plan.
13. The subject wetlands, seasonal creeks, and other waters are located in the South Bay Basin, and are adjacent to or tributary to Ward Creek, Dry Creek, and Palomares Creek. The Basin Plan does not explicitly identify beneficial uses for these waters. However, the Basin Plan states that "[t]he beneficial uses of any specifically identified waterbody generally apply to all of its tributaries." Ward Creek is tributary to San Francisco Bay. The site's waters are located in hydrologic unit 18050004.

Palomares Creek is tributary to San Lorenzo Creek, which has the following beneficial uses identified in the Basin Plan: cold freshwater habitat, freshwater replenishment, ground water recharge, fish migration; municipal and domestic supply, water contact recreation; non-contact water recreation; fish spawning; warm freshwater habitat; and wildlife habitat.

Dry Creek is tributary to Alameda Creek, and thence to San Francisco Bay. Alameda Creek has the following existing beneficial uses identified in the Basin Plan: agricultural supply, cold freshwater habitat, ground water recharge, fish migration; water contact recreation; non-contact water recreation; fish spawning; warm freshwater habitat; and wildlife habitat.

Waters on the Project site are known to provide habitat for rare and endangered species, including core and proposed critical habitat for the federally listed threatened CRLF. In addition, waters on the site also provide for ground water infiltration, modification of the

hydrograph for associated downstream flows, and for the transport of sediment and nutrients downstream.

14. The Basin Plan Wetland Fill Policy (policy) establishes that there is to be no net loss of wetland acreage and no net loss of wetland value when the Project and any proposed mitigation are evaluated together, and that mitigation for wetland fill Projects is to be located in the same area of the Region, whenever possible, as the Project. The policy further establishes that wetland disturbance should be avoided whenever possible, and if not possible, should be minimized, and only after avoidance and minimization of impacts should mitigation for lost wetlands be considered.
15. The goals of the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993) include ensuring “no overall loss” and achieving a “...long-term net gain in the quantity, quality, and permanence of wetland acreage and values...” Senate Concurrent Resolution No. 28 states that “[i]t is the intent of the legislature to preserve, protect, restore, and enhance California’s wetlands and the multiple resources which depend on them for benefit of the people of the State.” Section 13142.5 of the CWC requires that the “[h]ighest priority shall be given to improving or eliminating discharges that adversely affect...wetlands, estuaries, and other biologically sensitive areas.”

Proposed Project

16. This Order applies to the temporary and permanent fill and indirect impacts to waters of the State associated with the proposed Project, which is comprised of the Project components listed above. Construction of the Project will result in the temporary placement of fill in and/or disturbance of 0.7 acres of wetlands and permanent placement of fill in 9.2 acres of wetlands and other waters of the United States. The permanent impact of this fill on waters was identified as a potentially significant impact in the Walpert Ridge Environmental Impact Report (State Clearinghouse No. 90030481, hereinafter EIR) and the Supplemental Environmental Impact Report (SEIR) for the Blue Rock Country Club Project (State Clearinghouse No. 97072028) certified for the Project by the City of Hayward on January 13, 1998.
17. The Discharger proposes to complete its Project, including its associated fills, over approximately 5-8 years.
18. Discharges of storm water associated with construction activity will occur. The EIR and SEIR certified for the Project identify such discharges, including the pollutants associated with them, as a potentially significant impact. The Discharger is responsible for obtaining appropriate permits for these discharges, including complying with the rules and regulations of National Pollutant Discharge Elimination System (NPDES) permit requirements. This includes complying with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (hereinafter NPDES

- Construction General Permit). Because the project will disturb 5 acres or more of land during construction, it must be covered under the NPDES Construction General Permit. Pursuant to the requirements of the NPDES Construction General Permit, should a parcel or parcels of land be conveyed to other parties (e.g., other builders, the local school district, etc.) while still under construction, that parcel or parcels must be covered separately under the NPDES Construction General Permit, regardless of size, if the Discharger terminates coverage for that parcel or parcels.
19. Discharges of storm water associated with the post-construction operation and maintenance of the Project will occur following its completion. The EIR and SEIR certified for the Project identify such discharges, including the pollutants associated with them, as a potentially significant impact.
 20. Because of the Project's proximity to sensitive resources, including special status species habitat, and potential to discharge materials that could significantly impact those resources, this Order requires the Discharger to submit a Storm Water Pollution Prevention Plan or Plans (SWPPPs) for the Project, acceptable to the Executive Officer, prepared pursuant to the provisions of the NPDES Construction General Permit.
 21. Discharges of uncontaminated ground water encountered during construction may be required. This Order considers such discharges covered by the NPDES Construction General Permit, contingent on submittal of a discharge plan acceptable to the Executive Officer.
 22. As a part of the Board's consideration of appropriate mitigation measures for the Project's post-construction/operation-stage direct, indirect, and cumulative impacts to water quality and beneficial uses of waters of the State, this Order requires the Discharger to submit a final SWMP, acceptable to the Executive Officer, including appropriate design measures and storm water treatment controls to minimize and mitigate those impacts. These impacts include potential impacts resulting from the discharge of pollutants associated with operation and maintenance of the proposed roads, parking, and homes, including hydromodification impacts (i.e., the changes in runoff volume and/or timing resulting from increases in impervious surfaces and changes in drainage system design). The SWMP shall include, at a minimum, the presently proposed water quality ponds, as designed to achieve a minimum of 7 days of residence time for runoff flows, and additional measures, as necessary to provide appropriate treatment for a minimum of 85% of average annual runoff from contributing areas of the overall Project site. However, the treatment time for the water quality pond draining to Ward Creek may be modified as presently proposed by the Discharger, as a part of creating a package of measures that will appropriately treat runoff from that portion of the Project.
 23. The proposed water quality ponds are intended to function as urban runoff treatment systems. Therefore, pursuant to Board Resolution Number 94-102, "Policy on the use of constructed wetlands for urban runoff pollution control," the water quality ponds are, as proposed, not considered Waters of the United States requiring water quality certification

pursuant to Section 401 of the Clean Water Act for maintenance and other work completed in them.

24. The California Environmental Quality Act (CEQA) requires all Projects approved by State agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document (e.g., Environmental Impact Report or Negative Declaration) for such Projects. The Board finds, after review of the Project's environmental documents, that all environmental impacts have been identified and, with compliance with the conditions of this Order, will be mitigated to a level of insignificance. On January 13, 1998, the City of Hayward certified an SEIR for the Project.
25. This Project is filed at the Board under file numbers 2198.11, 2199.9414, and site number 02-01-C0335.
26. The Board has notified the City of Hayward and interested agencies and persons of its intent to prescribe WDRs for this discharge.
27. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Hayward 1900, Inc., in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following, pursuant to authority under CWC Sections 13263 and 13267:

A. Discharge Prohibitions

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plains, is prohibited.
2. The discharge of floating oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
4. The wetland fill activities subject to these requirements shall not cause a nuisance as defined in CWC §13050(m).
5. The discharge of decant water from active dredging or fill sites and dredged material stockpile or storage areas to surface waters or surface water drainage courses is prohibited, except as conditionally allowed following the submittal of a discharge plan or plans as

described in the Provisions.

6. The groundwater in the vicinity of the Project shall not be degraded as a result of the Project's activities or the placement of fill for the Project.
7. The discharge of non-storm water (e.g., wash water, runoff from golf equipment maintenance bays/areas, sanitary waste, etc.) from the golf maintenance facility to surface waters is prohibited. All non-storm water shall be discharged to the sanitary sewer system or other appropriately permitted facility.
8. The discharge of materials other than storm water, which are not otherwise regulated by a separate NPDES permit or allowed by this Order, to waters of the State is prohibited.

B. Provisions

1. The Discharger shall comply with all Prohibitions and Provisions of this Order immediately upon adoption of this Order or as provided below.
2. The Discharger shall submit copies of all necessary approvals and/or permits for the Project, including its associated mitigation, from applicable government agencies, including, but not limited to, the State Department of Fish and Game, U.S. Fish and Wildlife Service, East Bay Regional Park District, City of Hayward, and U.S. Army Corps of Engineers, prior to the start of construction.

Project Implementation Deadlines

3. Not later than 60 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, a final SWMP including appropriate design measures and storm water treatment controls to address the Project's urban runoff impacts to waters of the State.

The SWMP shall provide for the appropriate treatment of at least 85% percent of average annual runoff from contributing developed areas of the site (i.e., areas within the development envelope, including impervious surfaces, landscaping, and all other appropriate areas) and shall include appropriate design details, planting plans, maintenance plans, funding mechanism, and all other information, as appropriate, including the information described in Board Resolution Number 94-102.

The SWMP shall include the presently proposed water quality ponds, providing a minimum of 7 days of treatment time for flows, and additional measures as necessary to provide appropriate treatment for at least 85% percent of average annual runoff from contributing developed areas of the site. However, the treatment time for the water quality pond draining to Ward Creek may be modified, as presently proposed by the Discharger and further described in the Staff Report, as part of an overall package of measures that provides appropriate treatment for the required volume of treatment. Upon

the Executive Officer's determination that the plan is acceptable, the Executive Officer may determine that work may begin sooner than 60 days following submittal of the acceptable plan.

4. Not later than 60 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, a final MMP that addresses the proposed on-site wetland mitigation elements. The draft MMP (LSA, January 28, 2000) addresses the proposed on-site wetland mitigation elements including the pond reconstructions, pond creation, seasonal wetland creation, creek stabilization and enhancement, and other related work. The final MMP shall include final designs for all elements in the draft MMP and, in addition: an adaptive management plan/study that provides for the evaluation of the relative performance of fenced and unfenced mitigation areas and specific appropriate remedial action (e.g., providing additional fencing, removing fencing, increasing controls on wild pigs, or other work, as appropriate) to maximize the functions and values of the mitigation sites; and, a water quality plan as outlined in the Findings. The Discharger shall submit an as-built report within 60 days of installation of the proposed mitigation. Annual mitigation monitoring reports shall be submitted for a minimum of 5 years for the proposed seasonal wetlands and ponds. Mitigation monitoring reports for the proposed stabilized and enhanced creeks shall be submitted for a minimum of 10 years, including annually for the first 5 years and again in years 7 and 10. If determined necessary by the Executive Officer, monitoring reports shall also be submitted in years 6, 8 and/or 9. The first annual report shall be submitted approximately one year after the preparation of the as-built report, and subsequent reports shall be submitted on the anniversary date of the first annual report submittal. Upon the Executive Officer's determination that the plan is acceptable, the Executive Officer may determine that work may begin sooner than 60 days following submittal of the acceptable final MMP.
5. Not later than 30 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, a final RMP for the proposed open space on the site, as described in the Findings.
6. Not later than 60 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, proof of financial assurances adequate to ensure the construction, success, and preservation in perpetuity of the proposed mitigation and other measures (e.g., wetland construction, creek enhancement, fencing, gully stabilization, pond and pond dam maintenance, etc.). Such assurances shall demonstrate that approximately \$926,000 will be available to fund long-term management of the 1,021 acres to be dedicated to EBRPD, a minimum of \$900,000 will be available to ensure funding for the construction, establishment, monitoring, and success of the proposed wetland mitigation and other measures, and a minimum of \$452,000 will be available for long-term management of the 180-acre habitat preserve. Security for the construction, establishment, monitoring, and success of the proposed wetland mitigation and the long-term management of the 180-acre preserve area shall be in an instrument acceptable to the Executive Officer (e.g., certificate of deposit, letter of credit, or other appropriate

instrument) and callable by the Board and/or Executive Officer. Security for the long-term management of the land to be dedicated to the EBRPD shall be provided through an extension of the existing Zone of Benefit No. 3 of the Alameda/Contra Costa County Regional Trails, Landscaping, and Lighting Assessment District.

7. Not later than 30 days prior to the beginning of rough grading of the golf course, the Discharger shall submit, acceptable to the Executive Officer, a revised conceptual CHAMP that includes a maintenance facility SWPPP and drainage plans for the proposed course. The revised conceptual CHAMP shall also include an evaluation demonstrating that the proposed golf course maximizes opportunities to utilize reclaimed water, to reuse runoff from the course, and that water use for the course has been otherwise minimized.
8. Not later than 30 days prior to the beginning of fine grading of the golf course, the Discharger shall submit, acceptable to the Executive Officer, a final CHAMP with final details for all appropriate information included in the conceptual CHAMP and revised conceptual CHAMP, and including a golf course drainage plan, maintenance facility SWPPP, and all other information, as appropriate. Prior to the acceptance of a final CHAMP by the Executive Officer, installation of golf course infrastructure or other elements (e.g., irrigation lines, drainage pipes, the maintenance building, club house, golf parking, golf cart path including creek crossings, sod, etc.) is prohibited.
9. Not later than 30 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, final conservation easements covering the proposed open space areas on the Project site as described in the findings.
10. Not later than 30 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, proposed final designs for all road, golf cart path, and Bay Area Ridge Trail creek and wetland crossings.
11. Not later than 60 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, a final Nuisance Flow Management Plan that addresses flow perennialization and management measures for the Project.
12. Not later than 60 days prior to the beginning of construction, the Discharger shall submit, acceptable to the Executive Officer, a SWPPP to address the Project's expected construction stage impacts.
13. The construction of proposed seasonal wetland, creek stabilization and enhancement, pond reconstruction and creation, and all other wetland mitigation shall be completed within the same calendar year as impacts first occur, or at least no later than the end of the following calendar year (e.g., if impacts occur in June 2001, construction of mitigation for all impacts must be completed no later than December 31, 2002).
14. No later than September 1, 2001, the Discharger shall submit a plan for an outreach program at the golf course. The plan shall include an implementation schedule such that

the program is ready to be implemented when the golf course is ready for play. The plan shall include components to educate users of the golf course and Bay Area Ridge Trail on the importance of the Project area in the Palomares and Dry Creek watersheds, the need to be protective of the watersheds and the species present therein, including the CRLF, and the management measures in place for such watershed protection.

Notice of Mitigation Completion

15. When the Discharger has determined that the mitigation has achieved the final success criteria specified in the final mitigation and monitoring plan approved by the Executive Officer, it shall submit a notice of mitigation completion (notice), acceptable to the Executive Officer. The notice shall include a status report on the implementation of the long-term maintenance and management portion of the mitigation plan. Also, separate notices may be submitted for the different portions of proposed mitigation. After acceptance of the notice in writing by the Executive Officer, the Discharger's submittal of annual mitigation monitoring reports for its mitigation, or for that element of mitigation for which a notice was submitted, is no longer required.
16. Any changes to the final mitigation plans and other final plans referenced in the Provisions must be approved in writing by the Executive Officer.

Other Provisions

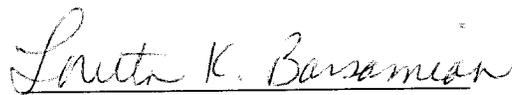
17. All reports pursuant to these Provisions shall be prepared under the supervision of suitable professionals registered in the State of California.
18. The Discharger shall immediately notify the Board by telephone whenever an adverse condition occurs as a result of the Project. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Pursuant to CWC §13267(b), a written notification of the adverse condition shall be submitted to the Board within two weeks of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to the modifications of the Board, for the remedial actions.
19. Should discharges of otherwise uncontaminated ground water contaminated with suspended sediment be required from the Project site, where such discharges are not otherwise covered by an applicable NPDES permit, such discharges may be considered covered by the NPDES Construction General Permit, following the submittal of a discharge/treatment plan, acceptable to the Executive Officer, at least 30 days prior to such a discharge.
20. The Discharger shall notify the Board in writing at least 30 days prior to actual start dates for each Project component (e.g., mass grading, utility installation, fine grading/housing

construction, golf course construction, school/park construction, mitigation construction, etc.).

21. The Discharger shall at all times fully comply with the engineering plans, specifications, and technical reports submitted with its ROWD, which includes all materials submitted as a part of its application for water quality certification.
22. The Discharger is considered to have full responsibility for correcting any and all problems that arise in the event of a failure which results in an unauthorized release of waste or wastewater.
23. The discharge of any hazardous, designated or non-hazardous waste as defined in Title 23, Division 3, Chapter 15 of the California Administrative Code, shall be disposed of in accordance with applicable state and federal regulations.
24. The Discharger shall remove and relocate any wastes that are discharged at any sites in violation of this Order.
25. In accordance with CWC §13260, the Discharger shall file with the Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. Any proposed material change in operation shall be reported to the Executive Officer at least 30 days in advance of the proposed implementation of any change. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, or any change in drainage characteristics at the Project site. For the purpose of this Order, this includes any proposed change in the boundaries of the wetland/waters of the state fill sites.
26. The Discharger shall maintain a copy of this Order at the Project site so as to be available at all times to site operating personnel and agencies.
27. The Discharger shall permit the Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d. Sampling of any discharge or surface water covered by this Order.

28. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies, nor does this Order authorize the discharge of wastes without appropriate permits from other agencies or organizations.
29. The Board will consider rescission of this Order upon Project completion and the Executive Officer's acceptance of notices of completion of mitigation for all mitigation, creation, and enhancement Projects required or otherwise permitted now or subsequently under this Order.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 21, 2001.


Loretta K. Barsamian
Executive Officer