



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

18 January 2019

Mr. Michael Tims
Capital Equity Management Group
P.O. Box 1747
Modesto, CA 95353

CERTIFIED MAIL
91 7199 9991 7039 6992 9916

AMENDMENT FOR THE CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CAPITAL EQUITY MANAGEMENT GROUP, GRANITE LAKES ESTATE PROJECT AMENDMENT (WDID#5A31CR00291A1), PLACER COUNTY

This Order responds to the 29 October 2018 request for an amendment of the Granite Lakes Estates Project Amendment (Project) General Section 401 Water Quality Certification (WDID#5A31CR00291A1). The original Water Quality Certification (WQC) was issued on 10 May 2004, a previous amendment was issued on 22 June 2010 to update the project description following an extended delay of work. The requested amendment is hereby approved. The original WQC is therefore amended as described below. Please attach this document to the original WQC and Certification.

AMENDMENT:

This Amendment reflects changes to the Fill/Excavation Area amounts, project impacts, and applicant and regulatory contact information. The WQC is amended as shown in the attachment in underline/strikeout format.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Greg Hendricks, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-8114
Greg.Hendricks@waterboards.ca.gov
(916) 464-4709

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Granite Lakes Estates Project (WDID#5A31CR00291A1). All other conditions and provisions of the original General Section 401 Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original General Section 401 Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed By Jim Marshall for:

Patrick Pulupa
Executive Officer

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

Leah Fisher
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

Sam Ziegler
United States Environmental Protection Agency
Ziegler.Sam@epa.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Sarah Vonderohe
Madrone Ecological Consulting
svonderohe@MadroneEco.com



California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams
Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Arnold
Schwarzenegger
Governor

22 June 2010

FILE COPY

~~Chris Williams~~ Mr. Michael Tims
~~S360 Granite Lakes Estates LLC~~ Capital Equity Management Group
~~1000 G Street, Suite 125~~ P.O. Box 1747
~~Sacramento, CA 95814~~ Modesto, CA 95353

AMENDMENT FOR THE CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS; GRANITE LAKES ESTATES PROJECT (WDID#5A31CR00291), PLACER COUNTY

This Order responds to your 21 April 2010 application submittal for the Water Quality Certification of a residential development project impacting approximately ~~0.45-acre~~ 0.54 acre of waters of the United States.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 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 subsection 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. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. This certification is no longer valid if the project (as currently described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

California Environmental Protection Agency

8. Activities shall not cause turbidity increases in surface water to exceed:
- (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (e) 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 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. 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 assessed by prior permission of the Central Valley Water Board.

9. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. S360 Development shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. S360 Development shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
12. S360 Development shall comply with all Department of Fish and Game 1600 requirements for the project.
13. S360 Development must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board for any project disturbing an area of 1 acre or greater.
14. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.
15. No drafting or diverting of water from Secret Ravine shall occur.
16. The mitigation measures included in the mitigation monitoring and reporting program for the approved Environmental Impact Report for the project, as they pertain to hydrology and water quality impacts mitigation, are included in this Water Quality Certification, as required by California Public Resource Code Section 21081.6 and CEQA Guidelines, California Code of Regulations Section 15097.

construction storm water management practices, as applicable or required by the local agency approving the project:

- (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.
3. S360 Development must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable or as required by the local agency approving the project:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - (c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - (d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

~~Skylor Anderson~~, Greg Hendricks, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114
~~sanderson@waterboards.ca.gov~~ ghendricks@waterboards.ca.gov
~~(916) 464-4849~~ (916) 464-4709

PROJECT INFORMATION

Application Date: 21 April 2010

Applicant: ~~Chris Williams~~ Mr. Michael Tims
~~S360 Granite Lakes Estates LLC.~~ Capital Equity Management Group
~~1000 G Street, Suite 125 P.O. Box 1747~~
~~Sacramento, CA 95814~~ Modesto, CA 95353

Applicant Representatives: ~~Kevin Derby~~ Sarah VonderOhe
~~Foothill Associates~~ Madrone Ecological Consulting, Inc.
~~590 Menlo Drive, Suite 4~~ 8421 Auburn Blvd. Suite 248
~~Rocklin, CA 95765~~ Citrus Heights, CA 95610

Project Name: Granite Lakes Estates Project

Application Number: WDID# 5A31CR00291

Type of Project: Residential Development

Project Location: Section 20, Township 11 North, Range 7 East, MDB&M.
Latitude: 38.783240° and Longitude: -121.226425°

County: Placer County

Receiving Water(s) (hydrologic unit): Secret Ravine tributary to American River,
Sacramento Hydrologic Basin, American River Hydrologic Unit #519.22, Pleasant Grove HSA

Water Body Type: Wetlands, Streambed

Designated Beneficial Uses: *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised September 2009 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD).

Project Description (purpose/goal): The Granite Lakes Estates Project is an 80-acre residential development consisting of 103 residential lots, eight open space parcels, and a pedestrian bicycle trail. Approximately 46 acres is designated for residential development, 24.7 acres will be preserved as open space, with the remaining 9.3 acres designated for roadways and a ten foot wide pedestrian bike trail.

The project was previously certified in May 2004 (WDID#5A31CR00079). Construction commenced but abruptly halted mid project due to economic issues. Forty-eight lots were completed and accepted by the City of Rocklin in February 2008. The remaining lots have yet to be constructed. The undeveloped portion of the site is currently a mix of annual grassland and oak woodland habitat, along with riparian corridors adjacent to Secret Ravine.

impacts and mitigation measures do not relate to water quality or related nuisance, and therefore fall outside of the Central Valley Water Board's jurisdiction.

Fill/Excavation Area: Approximately ~~726 cubic yards of clean soil~~ 754 cubic yards of clean soil and 10 cubic yards of rip rap will be placed into ~~0.45 acre~~ 0.54 acre of jurisdictional wetland.

Compensatory Mitigation: Wetland and VELB mitigation credits were purchased from the conservation resources by the previous applicant, Snyder Development LLC.

- 1) \$29,750 for the purchase of seasonal wetland and riparian wetland credits were made on 25 November 2003;
- 2) \$113,800 for the purchase of VELB credit units and for the transplant of elderberry plants was made on 20 February 2003 as per the United States Fish and Wildlife Service Biological Opinion.
- 3) 0.09 acre of habitat mitigation credits will be purchased to mitigate for the loss of 0.09 acre of wetland habitat.

Application Fee Provided: Total fees of \$1238.00 have been submitted to the Central Valley Water Board as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e).