



Central Valley Regional Water Quality Control Board

29 September 2017

Kim Crawford
Sacramento Municipal Utility District (SMUD)
6201 S Street, Mail Stop B203
Sacramento, CA 95817

CERTIFIED MAIL
91 7199 9991 7035 8419 7721

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE FRANKLIN ELECTRIC TRANSMISSION PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00649)

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Pamela C. Creedon. This Order is issued to the Sacramento Municipal Utility District for the Franklin Electric Transmission Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the Sacramento Municipal Utility District for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment F, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment F, which must be signed by the Permittee or an authorized representative.

These reports, notifications, and other submissions must be submitted in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4644 or by email at Stephanie.Tadlock@waterboards.ca.gov. You may also contact Elizabeth Lee, Unit Supervisor, by phone at (916) 464-4787 or by email at Elizabeth.Lee@waterboards.ca.gov.

Original Signed By:

Stephanie Tadlock
Environmental Scientist
401 Water Quality Certification Unit

Enclosures (1): Order for the Franklin Electric Transmission Project

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

Joe Morgan (Electronic Copy Only)
United States Environmental Protection Agency
Morgan.Joseph@epa.gov

California Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Elizabeth Lee
Unit Supervisor
Central Valley Regional Water Quality Control Board, Sacramento
Elizabeth.Lee@waterboards.ca.gov

Aimee Dour-Smith
Area West Environmental, Inc.
adour-smith@areawest.net

cc: (w/ enclosure):
Mary Pakenham-Walsh (SPK-2014-00551)
United States Army Corps of Engineers
Sacramento District Headquarters
1325 J Street, Room 1350
Sacramento, CA 95814-2922

Bill Jennings
CA Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 29 September 2017	Reg. Meas. ID: 410069
Expiration Date: 28 September 2022	Place ID: 820393
Program Type: Fill/Excavation	WDID: 5A34CR00649
Project Type: Support Facilities Only	USACOE#: SPK-2014-00551
Project: Franklin Electric Transmission Project (Project)	
Applicant: Sacramento Municipal Utility District	
Applicant Contact: Kim Crawford 6201 S Street, Mail Stop B203 Sacramento, CA 95817 Phone: (916) 732-5063 Email: kim.crawford@smud.org	
Applicant's Agent: Area West Environmental, Inc. Aimee Dour-Smith 6248 Main Avenue, Suite C Orangevale, CA 95662 Phone: (916) 987-3362 Email: adour-smith@areawest.net	
Water Board Staff: Stephanie Tadlock Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4644 Email: Stephanie.Tadlock@waterboards.ca.gov	

Water Board Contact Person:

If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Sacramento Municipal Utility District (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 21 December 2015. The application was deemed complete on 12 May 2016.

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 1).

Table 1: Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
12 May 2016	28 October 2016

Additionally, Central Valley Water Board Staff issued a Denial Without Prejudice on 17 June 2016. The application to re-activate the Project was received on 28 October 2016. The application was deemed complete on 14 November 2016.

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 24 December 2015 to 14 January 2016. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project purpose is to maintain the electric system reliability and meet the expected energy load growth of the planned development in the southwest area of Sacramento County in the community of Franklin.

IV. Project Description

The 25.35-acre Project consists of: 1) constructing a new bulk transmission substation and distribution substation; 2) modifying existing and installing new overhead powerlines; and 3) removing a nearby distribution substation.

New Franklin Bulk Transmission and Franklin Distribution Substations

The 17-acre Franklin Bulk Substation will be graded and covered in crushed gravel except where permanent concrete foundations for the transformers, circuit breakers and other equipment, oil containment, metal clad switchgear, and paved access roads would be built. The new bulk substation will include a two-story control building measuring approximately 100 feet by 60 feet and constructed with masonry block, concrete, or steel walls. A new sanitary sewer pipe will be installed for sanitary sewer service.

The Franklin Distribution Substation is planned for construction after the completion of the Franklin Bulk Substation and will encompass approximately 0.5 acre within the footprint of the Franklin Bulk Substation.

Existing and New Overhead Powerlines

The Project includes modifying existing and constructing new overhead power lines that will link the substations to the Permittee's existing electrical grid. When the Franklin Bulk

Substation is constructed, approximately 5 miles of existing overhead single-circuit lines, which parallel Franklin Boulevard, will be rebuilt. This will require replacing the existing poles with taller and stronger poles to meet the increased load, conductor height, and clearance requirements. In addition to these modifications, several new poles and spans of conductors will be installed in the vicinity of Elk Grove Boulevard and Franklin Boulevard. New overhead power lines will be constructed within the footprint of the substation site.

To complete this work, the Permittee will use a horizontal directional drilling technique. Horizontal directional drilling applies an auger method to install conduit without the need for trenching or surface disturbance. A directional boring unit (i.e., surface-launched drilling rig) will be used to install the power line conduit in a shallow arc under the railroad tracks, to a maximum depth of approximately 10 feet below grade. Use of the drill requires excavation of a launching pit (approximately 9 square feet) and a receiving pit (approximately 12 square feet) for entrance and exit of the drill. The pits will be sited outside any nearby wetland features (e.g., wetland ditch), and located adjacent to the existing sub-transmission poles within the Permittee's existing easement. Spoils from the pit excavation and auger activities will be placed onsite and will be used for backfilling purposes. Drilling fluids will be hauled offsite and disposed of in accordance with state and federal law.

Franklin-Bilby Distribution Substation

Once the Franklin Distribution Substation is operational, the approximately 0.10-acre Franklin-Bilby Substation will be de-energized, salvageable components will be removed for reuse, non-reusable materials will be recycled or scrapped, and the site will be tested to ensure no residual contamination remains. No hazardous materials impacts are anticipated with decommissioning the Franklin-Bilby substation.

This Project will take approximately four years to complete.

V. Project Location

Address: Unincorporated Sacramento County

County: Sacramento

Nearest City: Elk Grove

Section 5, 8, 17, 20, & 29, Township 6 North, Range 6 East, MDB&M.

Latitude: 38.37409° N and Longitude: 121.45245° W

Maps showing the Project location is found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised April 2016 (Basin Plan). The Basin Plan for the region and other plans and policies may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal anti-degradation policies.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the State

New Franklin Bulk Transmission and Franklin Distribution Substations

On-site stormwater runoff will be collected by an underground storm drain pipe system in combination with a site perimeter drainage swale along the eastern and southern boundaries of the site. The primary discharge point will enter the existing drainage ditch along Franklin Boulevard. In order to minimize drainage impacts, a new on-site detention basin will be constructed. For construction access, two driveways will be constructed from Franklin Boulevard to the substation site, which would require installing culverts in the existing drainage ditch along Franklin Boulevard.

Constructing the discharge point and culverts will permanently impact 0.070 acre and temporarily impact 0.098 acre of wetland habitat.

Existing and New Overhead Powerlines

There will be no impacts to waters of the state from modifying existing and installing new overhead power lines.

Franklin-Bilby Distribution Substation

There will be no impacts to waters of the state from decommissioning the Franklin-Bilby Substation.

No dewatering will occur within the Project area. Wet concrete will be placed into waters of the state in dry conditions when water is not present and during periods of no precipitation.

Total Project fill/excavation quantities for all impacts are summarized in Table 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 2: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ²	LF ²	Acres	CY	LF	Acres	CY	LF
Wetland	0.098	-	178	0.070	-	18	-	-	-

VIII. Description of Indirect Impacts to Waters of the State – NOT APPLICABLE

IX. Avoidance and Minimization

According to the Permittee, the following actions will be taken to avoid and minimize impacts within the Project area:

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

² Cubic Yards (CY); Linear Feet (LF)

Measure 1: A Storm Water Pollution Protection Plan and Hazardous Substance Control and Emergency Response Plan will be developed to comply with the construction general permit.

Measure 2: A Spill Prevention, Control, and Countermeasures Plan will be developed to identify engineering and containment measures to prevent oil from entering the waterbody.

Measure 3: A Fugitive Dust Control Plan will be developed and implemented to address any potential fugitive dust occurrences during construction activities.

Measure 4: Workers will take part of a Worker Environmental Awareness Training to train on permit requirements, avoidance and minimization measures, and other relevant environmental laws and guidelines that must be followed to avoid or minimize Project impacts.

Measure 5: The following general construction measures shall be implemented in order to avoid impacts to biological resources during construction of the proposed Project:

- minimize the work area footprint and the duration at a work area site;
- in areas that have not been previously disturbed, heavy equipment use will be minimized;
- use existing paved and unpaved roads to access the work area where present; and
- trash dumping, littering, open fires (such as barbecues), hunting, and pets shall be prohibited in work areas.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

XI. California Environmental Quality Act (CEQA)

On 20 October 2016, the Sacramento Municipal Utility District, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2016042050) for the Project and filed a Notice of Determination (NOD) at the SCH on 25 October 2016. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees Received

An application fee deposit of \$600.00 was received on 23 December 2015. The remaining application fee balance of \$1,803.00 based on total Project impacts was received on 9 November 2016.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

XIV. Conditions

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 2.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must 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: centralvalleysacramento@waterboards.ca.gov.

In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the effective date of this Order. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every month thereafter.

- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of November starting one year after the effective date of the Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 20009-0009-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following

completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,³ and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

- 3. Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁴

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

³ Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

⁴ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
 - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership.
 - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling⁵:
 - a. when performing any in-water work;
 - b. during the entire duration of temporary surface water diversions;
 - c. in the event that the Project activities result in any materials reaching surface waters; or
 - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:** During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:
 - a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
 - b. 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.

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 permission of the Central valley Water Board Executive Officer.

⁵ Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters. The sampling in Table 3 shall be conducted in the wetland outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the wetland.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. A surface water monitoring report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In reporting the data, the Permittee 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 Order 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 in XIV.C.3.d.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Turbidity	NTU	Grab	Every 4 hours

- 4. Post-Construction:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to 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 subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. 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 state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem 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. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G.

Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

G. Construction

1. Dewatering

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

- d. If water is present in the work area, the area must be dewatered prior to start of work.

2. Directional Drilling – NOT APPLICABLE

3. Dredging – NOT APPLICABLE

4. Fugitive Dust – NOT APPLICABLE

5. Good Site Management “Housekeeping”

- a. The Permittee 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 be made available to the Central Valley Water Board staff upon request.
- b. 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 Permittee 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.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. Hazardous Materials

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. 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.

7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE

8. In-Water Work

- a. Work in the wetland shall occur during periods of no precipitation.

9. Post-Construction Storm Water Management – NOT APPLICABLE

10. Roads – NOT APPLICABLE**11. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

12. Special Status Species – NOT APPLICABLE**13. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

14. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - i. The Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
 - ii. 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.

H. Site Specific – NOT APPLICABLE**I. Total Maximum Daily Load (TMDL) – NOT APPLICABLE****J. Mitigation for Temporary Impacts**

1. The Permittee shall re-establish all temporarily impacted Project site upland areas, which could result in a discharge to waters of the state, to pre-construction contours and conditions upon completion of construction activities.
2. The Permittee shall restore the temporarily impacted waters of the state as described in the application materials dated 28 October 2016. The restoration activities are incorporated herein by reference. Any deviations from, or revisions to, the described restoration activities must be pre-approved by Central Valley Water Board staff.

Table 4: Required Project Mitigation Quantity for Temporary Impacts								
Aquatic Resource Type	Mit. Type ⁶	Units	Method ⁷					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	PR	Acres	-	0.098	-	-	-	-

K. Compensatory Mitigation for Permanent Impacts⁸

1. **Final Compensatory Mitigation Plan – NOT APPLICABLE**
2. **Irrevocable Letter of Credit – NOT APPLICABLE**
3. **Permittee-Responsible Compensatory Mitigation Responsibility – NOT APPLICABLE**
4. **Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**
 - a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board within 90 days of authorized impacts.
 - b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.
5. **Total Required Compensatory Mitigation**
 - a. The Permittee is required to provide compensatory mitigation for the authorized temporary impact to wetland habitat by re-establishing the wetland to pre-project conditions within 90 days of construction activities.
 - b. The Permittee is required to provide compensatory mitigation for the authorized permanent impact to wetland habitat by purchasing vernal pool re-establishment credits from the SMUD Nature Preserve Mitigation Bank.
 - c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

⁶ Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

⁷ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

⁸ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

Table 5: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type ⁹	Units	Method ¹⁰					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	MB	Acres	-	0.070	-	-	-	-

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

⁹ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

¹⁰ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

XV. Water Quality Certification

I hereby issue the Order for the Franklin Electric Transmission Project (WDID#5A34CR00649) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

Original Signed By Adam Laputz for:

10-4-2017

Pamela C. Creedon
Executive Officer
Central Valley Regional Water Quality Control Board

Date

Attachment A Project Map
Attachment B Receiving Waters, Impact, and Mitigation Information
Attachment C CEQA Findings of Facts
Attachment D Report and Notification Requirements
Attachment E Signatory Requirements
Attachment F Certification Deviation Procedures

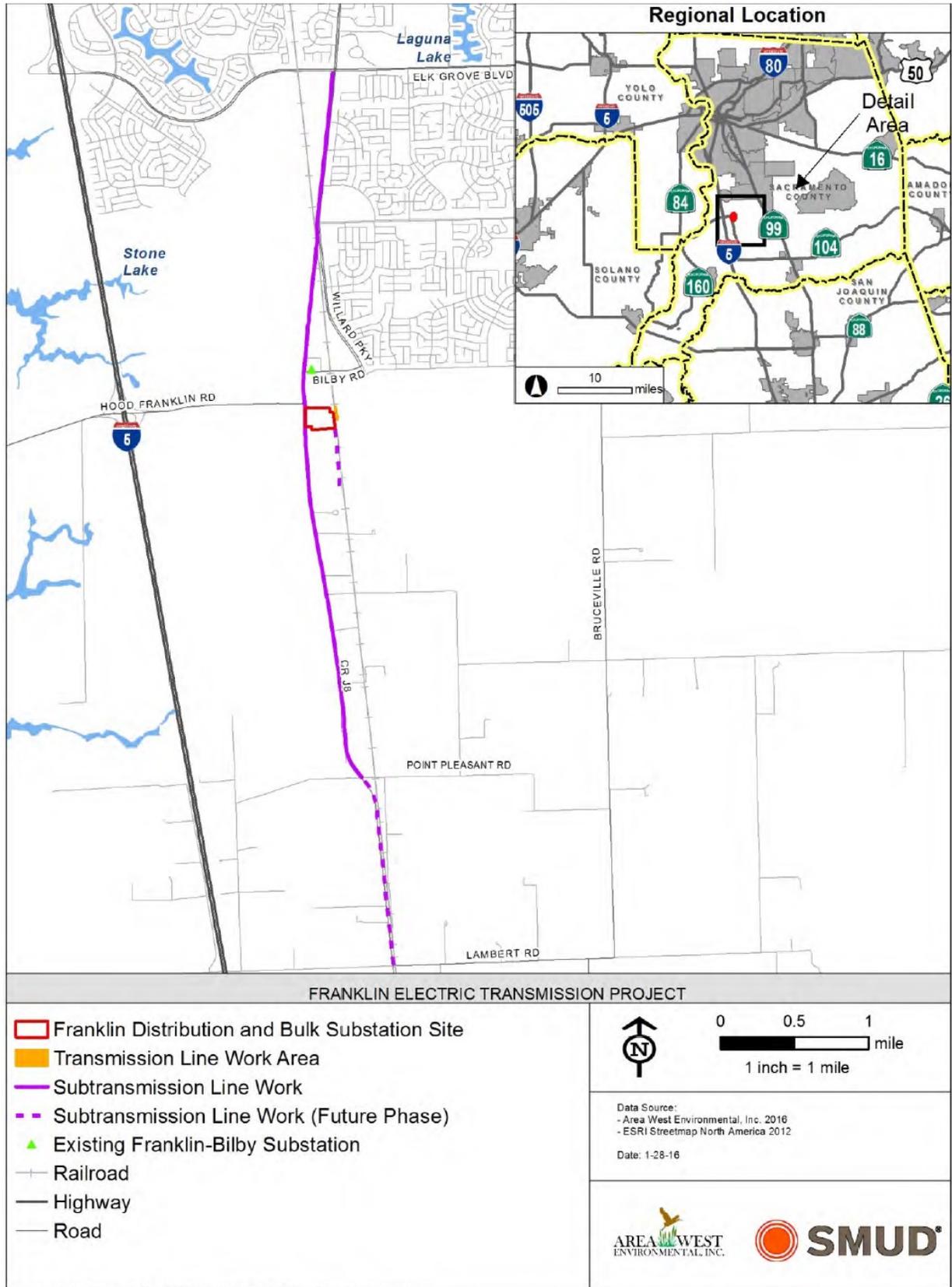


Figure 1 – Project Location Map

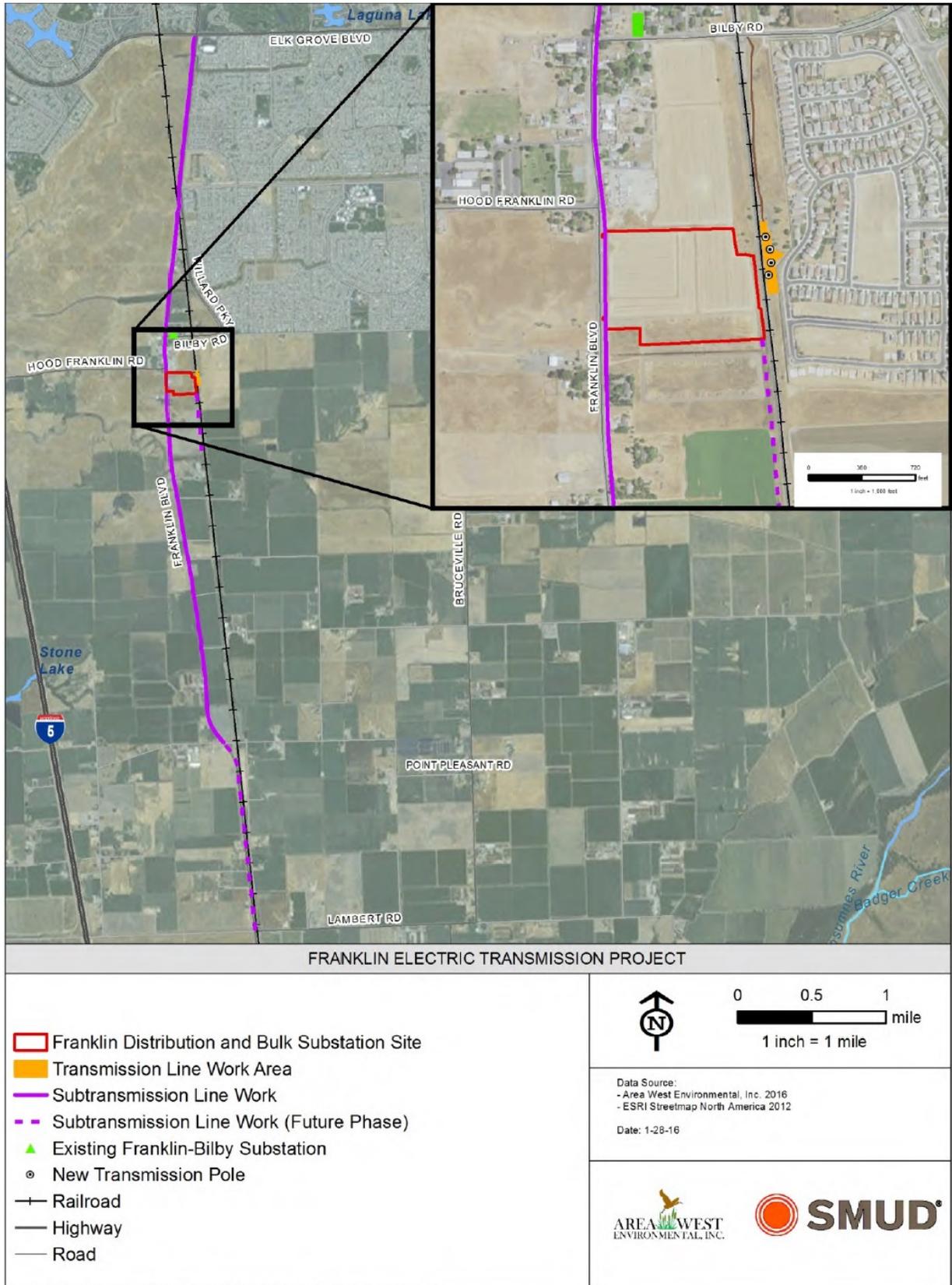


Figure 2 – Site Map

Receiving Waters

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ¹¹
<input type="checkbox"/>	Site 1	Unnamed wetland	wetland	519.11	Unnamed wetland	n/a	n/a	n/a

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Site 1			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	0.098	-	178
					Permanent	-	-	-	0.070	-	18

¹¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and locations.

Mitigation Bank Compensatory Mitigation Site Information

Table 4: Mitigation Bank			
Mitigation Bank	Name:	SMUD Nature Preserve Mitigation Bank	
	Website:	http://www.areawest.net	
Contact Information	Name:	Emily Bacchini	
	Phone:	(916) 732-6334	
	Email:	emily.bacchini@smud.org	
Mitigation Location	County:	Sacramento	
	Latitude:	TBD	
	Longitude:	TBD	
Aquatic Resource Credit Type		Mitigation Quantity	
		Acres	Linear Feet
		Number of Credits Purchased	
Vernal Pool Re-establishment Credit		0.070	-
			-

A. Environmental Review

On 20 October 2016, the Sacramento Municipal Utility District (SMUD) as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2016042050) for the Project and filed a Notice of Determination (NOD) at the SCH on 25 October 2016. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that SMUD's adopted environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by SMUD addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by SMUD for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15074, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: 6201 S Street, Sacramento, CA 95817-1899. Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

- (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15070.)

a.i. Potential Significant Impact:

Permanent loss of wetlands, potential loss of special status plant species habitat; potential loss of vernal pool fairy shrimp and vernal pool tadpole shrimp habitat; potential loss of valley elderberry longhorn beetle habitat; potential loss of giant garter snake and western pond turtle habitat; potential loss to other listed or special status

species; potential disturbance of burrowing owl or tricolored blackbird habitat; potential impact to nesting raptors or migratory bird nesting and foraging habitat.

a.ii. Facts in Support of Finding:

Measure 7. Compensate for Permanent Loss of Wetlands

The Sacramento Municipal Utility District (SMUD) will compensate for the permanent loss of wetland habitat through the purchase of mitigation credits at a 1:1 creation ratio from the SMUD Nature Preserve Mitigation Bank or an alternative Corps-approved mitigation bank. This mitigation may be obtained through the vernal pool fairy shrimp and vernal pool tadpole compensation credits described below.

Measure 8. Pre-construction Special-status Plant Surveys

The following measures shall be implemented in order to avoid impacts to special-status plants during construction of the proposed Project:

- Pre-construction surveys for special-status plants will be conducted within 250 feet of the Project Area during the appropriate bloom period for identification. Surveys will be conducted from Project parcels and publicly accessible areas.
- If surveys for special-status plants cannot be completed during the appropriate bloom period, topsoil (upper 2-4 inches) in the appropriate habitat for the un-surveyed specie(s) where ground disturbance will occur will be stockpiled prior to construction and respreads after construction in suitable areas.
- If any special-status plant species are found in the Project Area, orange or yellow construction flagging or fencing will be erected to provide a 20-foot -buffer area around the population to prevent encroachment by construction activities, if possible given the location of the population. The fencing will be maintained until construction is complete.
- If any special-status plant species are found in the Project Area and avoidance is not possible due to the location of the population, SMUD will consult as needed with the appropriate resource agency (California Department of Fish and Wildlife (CDFW)) to develop mitigation and/or compensation measures needed to reduce the impact to a less than significant level.
- Where it is not feasible to avoid special-status plant locations within construction areas, seed collection and transplanting shall be performed for annual plant species in suitable areas.
- If an affected special-status plant is a perennial species, native plant nursery propagation shall be performed as well as planting within suitable areas.
- All special-status plant restoration and planting areas shall be monitored for a minimum of one year.

Measure 9. Vernal Pool Fairy Shrimp (VPFS) and Vernal Pool Tadpole Shrimp (VPTS) Avoidance and Minimization Measures

SMUD will implement the following measures for Project activities that have the potential to directly or indirectly affect VPFS and/or VPTS and/or their habitat. These measures will be implemented during construction within 250 feet of habitat for VPFS and/or VPTS, except where existing physical barriers, such as roads or railroad tracks, would limit species movement and hydrologic connection.

- *Seasonal Work Windows.* All work in or within 250 feet of VPFS and/or VPTS habitat, except where existing physical barriers would limit species movement and hydrologic connection, will be performed in the dry season (approximately 15 April through 15 October). Should soil moisture be encountered, rubber matting, or similar equivalent, will be used to minimize disturbance.
- *Work Zone Flagging.* For all work in or within 250 feet of VPFS and/or VPTS habitat, except where existing physical barriers would limit species movement and hydrological connection, a work zone will be identified on construction drawings and/or will be adequately flagged or fenced in the field to limit construction equipment and personnel to the minimum area necessary to perform the proposed work. In areas that have not been previously disturbed, heavy equipment use would be minimized.
- *Pole Installation Backfill Material.* For pole installations in or within 250 feet of VPFS and/or VPTS habitat, except where existing physical barriers would limit species movement and hydrologic connection, SMUD shall backfill the area between the pole and the pole hole with cement. SMUD shall backfill the upper portion with the original native soil excavated from the pole hole commensurate with the topography of the surrounding soil.
- *Pole Removal Backfill Material.* For pole removal, in or within 250 feet of VPFS and/or VPTS habitat, except where existing physical barriers would limit species movement and hydrologic connection, SMUD shall fill the pole hole with clay (native or bentonite) or cement.
- *VPFS/VPTS Soil Stockpile.* For pole installations in VPFS and/or VPTS habitat, SMUD shall stockpile the upper four inches of topsoil separately on visqueen or plastic sheets during excavations. When this topsoil is replaced, compaction shall be minimized to the extent consistent with utility standards. Any excess soil will be hauled offsite.
- *Biological Monitor.* A qualified biologist (biological monitor) will be present onsite during all work in or within 250 feet of VPFS and/or VPTS habitat, except where existing physical barriers would limit species movement and hydrologic connection, and will inspect any construction-related activities to ensure that no unnecessary ground disturbance or take of species occurs. The biologist will have the authority to stop all activities that may result in such take or destruction until appropriate corrective measures have been completed. The biologist also will be required to report immediately any unauthorized take to the Service.
- *Reseeding.* For all work in or within 250 feet of VPFS and/or VPTS habitat, except where existing physical barriers would limit species movement and hydrological connection, areas of disturbed soil will be reseeded with a native seed mix.
- *Restoration of Disturbed Areas.* SMUD will mitigate temporary direct impacts to potential VPFS and VPTS habitat by restoring all temporarily affected areas to pre-project contours.
- *Compensation for Unavoidable Impacts.* To compensate for impacts to potential VPFS and VPTS habitat, SMUD will purchase mitigation credits at a 2:1 preservation ratio and 1:1 creation ratio for direct (permanent and temporary) impacts, as well as a 2:1 preservation ratio for indirect effects (in accordance with USFWS 1996) from the SMUD Nature Preserve Mitigation Bank or an alternative USFWS-approved mitigation bank.

Measure 10. Valley Elderberry Longhorn Beetle Avoidance and Minimization Measures

The following measure will be applied to all Project activities that fall within 100-feet of an elderberry shrub. This measure will be implemented during the replacement of subtransmission poles UD038799 and UD038798.

- *Biological Monitor.* A biological monitor will be required to supervise construction activities (replacement of poles UD038799 and UD038798) falling within 100-feet of elderberry shrubs and stop work should personnel be out of compliance with the beetle avoidance measures, or if there is a risk that incidental take may occur.

The following measure will be applied to all Project activities that fall between 20-feet and 100-feet of an elderberry shrub. This measure will be implemented during the replacement of subtransmission poles UD038799 and UD038798.

- *Exclusion Boundary.* SMUD will flag a 20-foot exclusion boundary around each elderberry shrub that is between 20-feet and 100-feet of Project activities related to the replacement of subtransmission poles UD038799 and UD038798. A sign will be posted with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly readable and shall be maintained for the duration of construction in this portion of the Project Area.

The following measures will be applied to all Project activities that are planned within 20-feet of an elderberry shrub. These measures apply to shrub E-1, which is located 13 feet (at the dripline) from Pole UD038798.

- *Exclusion Boundary.* SMUD will flag an exclusion boundary around elderberry shrub E-1. The exclusion boundary will be as large as possible around the shrub while still allowing room for the equipment needed for removal of pole UD038798. A sign will be posted with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The sign shall be clearly readable and shall be maintained for the duration of construction in this portion of the Project Area.
- *Pole Replacement Location.* Pole UD038798 will be replaced at least 13-feet from the dripline of shrub E-1. If possible, the pole will be replaced at a further distance from the shrub to minimize any potential future indirect impacts to shrub E-1.

Measure 11. Giant Garter Snake and Western Pond Turtle Avoidance and Minimization Measures

SMUD will implement the following avoidance measures before and/or during replacement of subtransmission poles located within 200 feet of potential aquatic

habitat for giant garter snake, except where existing physical barriers would limit species movement and hydrologic connection.

- *Seasonal Work Window.* Replacement of these poles will occur between 1 May and 1 October. This is the active period for giant garter snakes and direct mortality is not anticipated because snakes are expected to actively move and avoid danger.
- *Pre-Construction Surveys.* 24-hours prior to construction activities, the portions of the Project area located within 200 feet aquatic habitat for giant garter snake will be surveyed for giant garter snakes and the Project area within 560 feet of potential aquatic habitat for western pond turtle will be surveyed for western pond turtles by a qualified biologist.
- *Avoidance During Construction.* Surveys of this area will be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake or turtle is encountered during construction, activities shall cease until incidental take authorization is received and appropriate corrective measures have been completed, or it has been determined that the snake or turtle will not be harmed. Sightings will be reported immediately to the appropriate agency (USFWS or CDFW).
- *Impact Minimization.* When possible, SMUD will avoid construction activities within 200 feet from the banks of giant garter snake aquatic habitat and within 560 feet from the banks of western pond turtle habitat.

Measure 12. Avoid Disturbance or Harm to Wildlife Species

Following preconstruction surveys and Project initiation, it is possible that wildlife species could subsequently enter or return to the Project Area. The following measures will be implemented to avoid disturbance or harm to these species:

- If any special-status species or other wildlife species are observed in the Project Area during construction, construction will cease until the species is allowed to move out of harm's way on their own accord.
- If they cannot be allowed to move out of harm's way on their own accord, SMUD field crews shall contact SMUD Environmental Management at (916) 732-5836, who will report the sighting to the appropriate agency (USFWS and/or CDFW). SMUD Environmental Management will have authority to stop activities until appropriate corrective measures have been completed or it is determined that the individual will not be harmed. Capture and relocation of trapped or injured species can only be attempted by agency-approved biologists.

Measure 13. Tricolored Blackbird Protection

The following measures shall be implemented in order to avoid impacts to nesting tricolored blackbird and other nesting species (e.g., yellow-headed blackbird) during construction of the proposed Project.

- To the extent feasible, SMUD will schedule Project activities to avoid the tricolored blackbird nesting season (generally between mid-March and early August).

- If Project activities will occur during the tricolored blackbird breeding season (generally between mid-March and early August), a qualified biologist will conduct a preconstruction survey for tricolored blackbird colonies no more than 15 days before the onset of activities.
- Surveys will be conducted within potential tricolored blackbird nesting habitat located within 500 feet of the Project Area, focusing on areas within seasonal stream, seasonal wetland, emergent marsh, riparian woodland, and bramble habitats that have the required characteristics for tricolored blackbird breeding sites (a protected nesting substrate with dense and/or thorny vegetation, near open accessible water).
- If a tricolored blackbird colony or other special-status bird nest is detected in the Project vicinity, an agency-approved biologist shall establish a buffer around the colony or nest. The buffer location shall be based on the distance at which the approved biologist, in consultation with CDFW, determines tricolored blackbird would not be harassed by the proposed Project. No Project activities shall occur within this buffer until young have fledged or the colony is no longer using the nesting site.

Measure 14. Burrowing Owl Protection

The following measures shall be implemented in order to avoid impacts to burrowing owl during construction of the proposed Project.

- An agency-approved biologist shall conduct a survey for burrowing owls within potential burrowing owl habitat in the Project Area and a 500-foot buffer, no more than 14 days prior to start of the Project following the methods described in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation (2012).
- If the biologist finds an active burrowing owl nest, an agency-approved biologist shall establish a buffer around the site. The buffer location shall be based on the CDFW Staff Report on Burrowing Owl Mitigation (2012) or the distance at which the approved biologist, in consultation with CDFW, determines that burrowing owls would not be harassed by the proposed Project.
- If the survey finds an active burrowing owl nest in an area that cannot be avoided due to spatial restrictions, burrowing owls may be passively relocated in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012). This requires that passive relocation occur following approval from the agencies, outside of the nesting season, and after an agency-approved biologist determined that owls have not begun laying eggs or there is not young of the year present. Per CDFW 2012, passive relocation would include the installation of one-way doors within the burrow to let owls escape, but not allow them to re-enter the burrow. Once the owls have been excluded from the burrow, it shall be collapsed by hand by an agency-approved biologist. If passive relocation is necessary, artificial or natural burrows should be in close proximity (100 meters) from the eviction site. If owls reappear on site, SMUD field crews shall notify SMUD Environmental Management.
- If passive relocation is necessary, SMUD will mitigate for impacts to burrowing owl habitat in consultation with CDFW and such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the information provided in Appendix A of the CDFW Staff Report on Burrowing Owl Mitigation (2012).

Measure 15. Swainson's Hawk Compensation Measures

To fully compensate for the permanent loss of foraging habitat for Swainson's hawk expected to result from the proposed Project, SMUD shall participate in Sacramento County's Swainson's Hawk Mitigation Fee program to offset permanent loss of approximately 17 acres of Swainson's hawk foraging habitat resulting from construction of the proposed substation in accordance with the provisions of Chapter 16.130 of the County Code.

Measure 16. Avian-safe Pole and Substation Configuration

To minimize the risk of collision or electrocution associated with operation of the proposed Project, replacement and newly constructed poles, as well as applicable portions of the proposed substation, will be designed using avian-safe configurations, as applicable, as described in SMUD's existing Avian Protection Plan.

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd (h).)

Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml
2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Stephanie.Tadlock@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Stephanie Tadlock; Reg. Measure ID: 410069_Report

Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual

active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** 29 September 2017

Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET

Project:	Franklin Electric Transmission Project		
Permittee:	Sacramento Municipal Utility District		
Reg. Meas. ID:	410069	Place ID:	820393
WDID:	5A34CR00649		
Order Effective Date:	29 September 2017		
Order Expiration Date:	28 September 2022		

Report Type Submitted

Part A – Project Reporting

Report Type 1	<input type="checkbox"/> Monthly Report No. ___
Report Type 2	<input type="checkbox"/> Annual Report No. ___

Part B - Project Status Notifications

Report Type 3	<input type="checkbox"/> Commencement of Construction
Report Type 4	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type 5	<input type="checkbox"/> Request for Notice of Project Complete Letter

Part C - Conditional Notifications and Reports

Report Type 6	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type 7	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type 8	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9	<input type="checkbox"/> Modifications to Project Report
Report Type 10	<input type="checkbox"/> Transfer of Property Ownership Report
Report Type 11	<input type="checkbox"/> Transfer of Long-Term BMP Maintenance Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name ¹

Affiliation and Job Title

Signature

Date

¹STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature

Date

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

Part A – Project Reporting

Report Type 1	Monthly Report
Report Purpose	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	On the 30th day of each month until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<ol style="list-style-type: none"> 1. Construction Summary Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs¹²). If construction has not started, provide estimated start date. 2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. 3. Photo Summary Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. 4. Compliance Summary <ol style="list-style-type: none"> a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. b) List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”. c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. d) Describe each observed incidence in detail. List monitor name and

¹² Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	organization, date, location, type of incident, corrective action taken (if any), status, and resolution.
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Report Type 2	Annual Report
Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the 1st day of November starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status
Annual Report Topics (1-3)	
Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	<ol style="list-style-type: none"> 1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below). b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	Mitigation for Temporary Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents	<ol style="list-style-type: none"> 1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	Compensatory Mitigation for Permanent Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<p>*If not applicable report N/A.</p> <p>Part A. Permittee Responsible</p> <ol style="list-style-type: none"> 1. Planned date of initiation of compensatory mitigation site installation. 2. If installation is in progress, a map of what has been completed to date. 3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. <p>Part B. Mitigation Bank or In-Lieu Fee</p> <ol style="list-style-type: none"> 1. Status or proof of purchase of credit types and quantities. 2. Include the name of bank/ILF Program and contact information. 3. If ILF, location of project and type if known.

Part B – Project Status Notifications

Report Type 3	Commencement of Construction
Report Purpose	Notify Central Valley Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. 4. Construction Storm Water General Permit WDID No. 5. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

Report Type 4	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.

When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	<ol style="list-style-type: none"> 1. Status of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. 5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 5	Request for Notice of Project Complete Letter
Report Purpose	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. <p>Part B: Permittee Responsible Compensatory Mitigation</p> <ol style="list-style-type: none"> 3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. 4. Status on the implementation of the long-term maintenance and management plan and funding of endowment. 5. Pre- and post-photo documentation of all compensatory mitigation sites. 6. Final maps of all compensatory mitigation areas (including buffers). <p>Part C: Post-Construction Storm Water BMPs</p> <ol style="list-style-type: none"> 7. Date of storm water Notice of Termination(s), if applicable. 8. Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type 6	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
Report Contents	<ol style="list-style-type: none"> 1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. 2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 7	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

Report Type 8	In-Water Work and Diversions Water Quality Monitoring Report
Report Purpose	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
When to Submit	Forty eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

Report Type 9	Modifications to Project Report
Report Purpose	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
When to Submit	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
Report Contents	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

Report Type 10	Transfer of Property Ownership Report
Report Purpose	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	<ol style="list-style-type: none"> 1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and b. responsibility for compliance with any long-term BMP¹³ maintenance plan requirements in this Order. 2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

Report Type 11	Transfer of Long-Term BMP Maintenance Report
Report Purpose	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

¹³ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

Certification Deviation Procedures

Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section L of the Order, may be requested by the Permittee as set forth below:

Process Steps

Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

Certification Deviation Request: The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
 - a. Activity description and purpose;
 - b. Activity location, start date, and completion date;
 - c. Erosion control and pollution prevention measures applied;
 - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
 - e. Mitigation plan, if applicable; and,
 - f. Map of activity location and boundaries; post-construction photos.

Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
 - a. Site name(s).
 - b. Date(s) of Certification Deviation approval.
 - c. Location(s) of authorized activities.
 - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order.
 - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies).
 - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
 - g. Mitigation to be provided (approved mitigation ratio and amount).