



Central Valley Regional Water Quality Control Board

4 August 2017

Price Walker
Elliott Homes, Inc.
340 Palladio Parkway, Suite 521
Folsom, CA 95630

CERTIFIED MAIL
91 7199 9991 7035 8365 0982

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE BROADSTONE OAKS CROSSING PROJECT (WDID FILE #5A34CR00656), SACRAMENTO COUNTY

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 Elliott Homes, Inc. for Broadstone Oaks Crossing 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 Elliott Homes, Inc. 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: centralvalleyfresno@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) 464-4684 or by email at PeterG.Minkel@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:

Peter Minkel
Engineering Geologist
401 Water Quality Certification Unit

Enclosures (1): Order for Broadstone Oaks Crossing Project

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

Mary Pakenham-Walsh
United States Army Corps of Engineers
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Elizabeth Lee
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cc: (w/ enclosure):
Bill Jennings
CA Sportfishing Protection Alliance
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Stockton, CA 95204



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

| | |
|--|---|
| Effective Date: 4 August 2017 | Reg. Meas. ID: 404997 |
| Expiration Date: 3 August 2022 | Place ID: 822777 |
| Program Type: Fill/Excavation | WDID: 5A34CR00656 |
| | USACOE#: SPK-2015-00419 |
| Project Type: Bridges, Overpasses and Crossings | |
| Project: Broadstone Oaks Crossing (Project) | |
| Applicant: Elliott Homes, Inc. | |
| Applicant Contact: Price Walker | |
| | Elliott Homes, Inc. |
| | 340 Palladio Parkway, Suite 521 |
| | Folsom, CA 95630 |
| | Phone: (916) 984-1300 |
| | Email: p.walker@elliotthomes.com |
| Applicant's Agent: Debra Sykes | |
| | Project Manager |
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| | Rocklin, CA 95677 |
| | Phone: (916) 782-9100 |
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| Water Board Staff: Peter Minkel | |
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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 Elliott Homes, Inc. (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 4 March 2016. The application was deemed complete on 2 August 2016. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

| Table 1: Record of Notice(s) of Incomplete Application | |
|---|--|
| Date of Notice of Incomplete Application | Date all requested information was received. |
| 27 April 2016 | 6 June 2017 |

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 11 March 2016 to 1 April 2016. The Central Valley Water Board did not receive any comments during the comment period. Public notice regarding the Initial Study/Negative Declaration is described in Attachment C, CEQA Findings of Fact.

III. Project Purpose

This Project will construct a bridge to future commercial development located southeast of the Iron Point Road/Oak Avenue Parkway intersection.

IV. Project Description

The Broadstone Oaks Crossing Project consists of the construction of a two-lane bridge south of the Iron Point Road/Oak Avenue Parkway Intersection and construction of an oversized box culvert underneath the bridge.

V. Project Location

Address: Southeast corner of the intersection of Iron Point Road and Oak Avenue Parkway in Folsom, California.

County: Sacramento

Assessor's Parcel Number: 072-2860-008, 072-2860-009, 072-2680-010, & 072-2680-011

Nearest City: Folsom

Section 7, Township 9 North, Range 8 East, MDB&M.

Latitude: 38°38'43"N and Longitude: 121°8'20"W

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of 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 plan for the region and other plans and policies which 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 antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

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

A pre-cast concrete bridge 36-foot wide and 60-foot long will be constructed. The pre-cast concrete bridge will require cast-in-place footings. In addition, a pre-cast box culvert will be built into the bridge. Fill material will consist of 874.4 cubic yards of native soil placed at the bottom of the culvert. The pre-cast bridge utilizes pre-cast headwalls. Masonry retaining walls will be placed alongside the pre-cast bridge structure with native soil at both ends of the span to serve as an abutment. The grading and construction of the bridge crossing will permanently impact 0.26 acre and temporarily impact 0.087 acre of waters of the state (see Figure 2). In addition, installation of the bridge and box culvert will degrade 0.037 acre of riparian vegetation when 874.4 cubic yards of native soil is excavated for preparation of the bridge and culvert and placed at the bottom of the culvert.

Installation of the bridge will take approximately 5 months to complete. Removal of an existing beaver dam is not part of the Certification.

Grading and construction of the bridge will occur in the dry season. If water is present, a cofferdam will be constructed around the work area. Wet concrete will be placed in the wetland and pond area. 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 Impact¹ | | | Permanent Impact | | | | | |
| | | | | Physical Loss of Area | | | Degradation of Ecological Condition | | |
| | Acres | CY ² | LF ² | Acres | CY | LF | Acres | CY | LF |
| Wetland | 0.036 | -- | 60 | 0.209 | -- | 116.5 | -- | -- | -- |
| Pond | 0.051 | -- | 45 | 0.051 | -- | 28.4 | -- | -- | -- |
| Riparian Vegetation | -- | -- | -- | 0.037 | -- | 5 | -- | -- | -- |
| Total | 0.087 | -- | 105 | 0.297 | -- | 149.9 | -- | -- | -- |

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

IX. Avoidance and Minimization

The number of lanes required for the bridge was reduced to minimize unavoidable impacts to the wetland and riparian features. In addition, work will be accomplished during the dry season. If water is present at the time of construction, a coffer dam will be constructed around the work area with sandbags.

The Permittee has developed a Storm Water Pollution Prevention Plan (SWPPP) for the project that outlines practicable Best Management Practices that reduce impacts by a reduction of sediment loading during construction activities to reduce erosion, stabilize of disturbed areas to minimize water quality degradation, dust control, and sediment runoff control.

The Project added 0.6 acre of new impervious surfaces³. With the implementation of Low Impact Development (LID) treatments, the effects of impervious surfaces were minimized.

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 25 February 2009, the City of Folsom, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project and filed a Notice of Determination (NOD) at the State Clearinghouse (SCH 2016069001) on 2 June 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.

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)

³ Impervious surfaces cause: reduced base flows through decreased groundwater recharge; increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time, and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction.

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 of \$600.00 was received on 3 March 2016. Additional fees of \$1,367.00, \$1,367.00, and \$210.00 based on total Project impacts were received on 16 May 2016, 3 August 2016, and 4 April 2017, respectively. The fee amounts were determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and were 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 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.

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 shall submit a Monthly Report to the Central Valley Water Board on the 15th 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: NOT APPLICABLE**

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.
- 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,⁴ 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 Materials⁵

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

⁴ 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.

⁵ "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.)

- 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 sampling:
 - a. when perform 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 work in water or stream 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. Dissolved oxygen shall not be reduced below 7.0 mg/L.
- c. pH shall remain between 6.5 to 8.5
- d. Turbidity increases in surface water shall not exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - 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; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.
- e. Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature.
- f. Settleable matter shall not exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.⁶ The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

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 F, 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, parameters, 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.b.

| Parameter | Unit of Measurement | Type of Sample | Minimum Frequency |
|----------------|---------------------|----------------|----------------------------|
| Oil and Grease | N/A | Visual | Continuous |
| pH | Standard Units | Grab | Every 4 hours ⁷ |
| Turbidity | NTU | Grab | Every 4 hours |

⁶ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer’s instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

⁷ Sampling to be conducted if uncured concrete comes into contact with surface water.

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 2050-2068, 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).
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. Except for activities permitted by the United States Army Corps of Engineers under 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.
4. 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.
5. 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, provide 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) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D 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.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

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, the area must be dewatered prior to start of work.

2. Directional Drilling – NOT APPLICABLE**3. Dredging – NOT APPLICABLE****4. Fugitive Dust**

- a. The Permittee shall ensure graded areas will be kept wetted to prevent fugitive dust from entering waterways. In addition, tarps shall be used to cover stockpiles.

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. Concrete must be completely cured before coming into contact with 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.

- d. 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 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. In-water work shall occur during periods of no precipitation.

9. Post-Construction Storm Water Management

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Reduce peak runoff flows;
 - iii. Provide treatment BMPs to reduce pollutants in runoff;
 - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

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

- a. If Valley Elderberry Longhorn Beetle are discovered within 100 feet of the Project area, the Permittee shall implement the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.

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 Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparations and implementation of a Storm Water Pollution Prevention Plan; 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 restore all temporary impacts to 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.

K. Compensatory Mitigation for Permanent Impacts⁸

1. **Final Compensatory Mitigation Plan** - The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the compensatory mitigation identified in the 3 March 2016 application materials submitted and incorporated herein by reference. Any deviations from, or revisions to, the application must be pre-approved by Central Valley Water Board staff.
2. **Compensatory Mitigation Monitoring Requirements - NOT APPLICABLE**
3. **Compensatory Mitigation Plan – NOT APPLICABLE**
4. **Irrevocable Letter of Credit – NOT APPLICABLE**
5. **Permittee-Responsible Compensatory Mitigation Responsibility – NOT APPLICABLE**

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

6. 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 for 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.

7. Total Required Compensatory Mitigation:

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.384 acre (temporary and permanent) of pond, seasonal and perennial marsh by purchasing 0.384 floodplain mosaic (wetland) Aquatic Resource Credits in the Cosumnes Floodplain Mitigation Bank.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

| Table 5: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area ⁹ | | | | | | | | |
|---|------------------------------|-------|----------------------|---------|------|------|-------|---------|
| Aquatic Resource Type | Comp Mit. Type ¹⁰ | Units | Method ¹¹ | | | | | |
| | | | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
| Wetland | MB | Acres | 0.384 | -- | -- | -- | -- | -- |

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 the environment. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment E. 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 environmental 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.

⁹ For Staff use only: Record quantities in CIWQS table side A for Compensatory Mitigation for Permanent Physical Loss of Area.

¹⁰ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

¹¹ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

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.

XV. Water Quality Certification

I hereby issue the Order for the Broadstone Oaks Crossing Project, (WDID# 5A34CR00656) 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).

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. 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:

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

8.3.2017

 Date

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

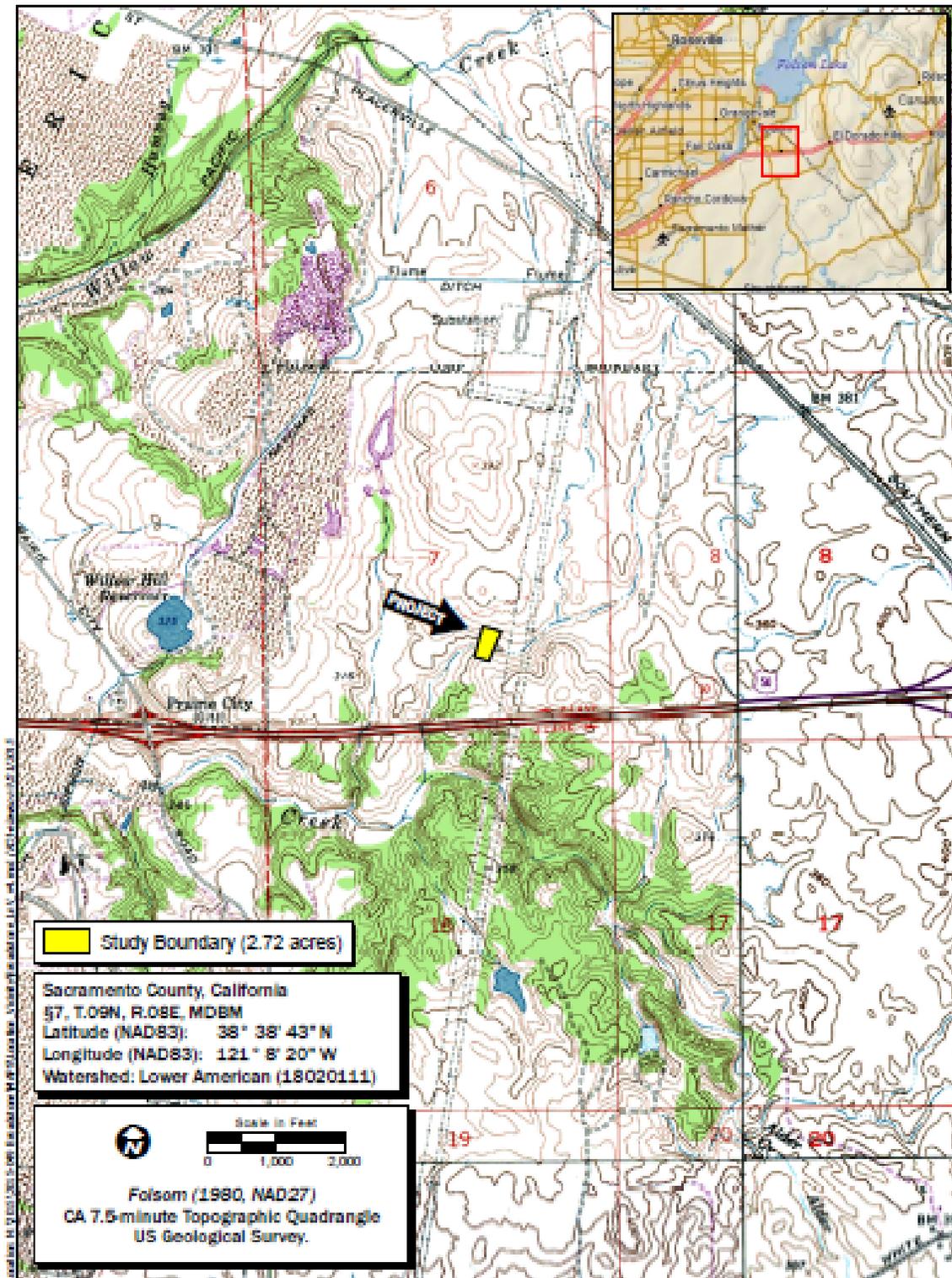


Figure 1. Project Location and Vicinity

2015-049 Broadstone

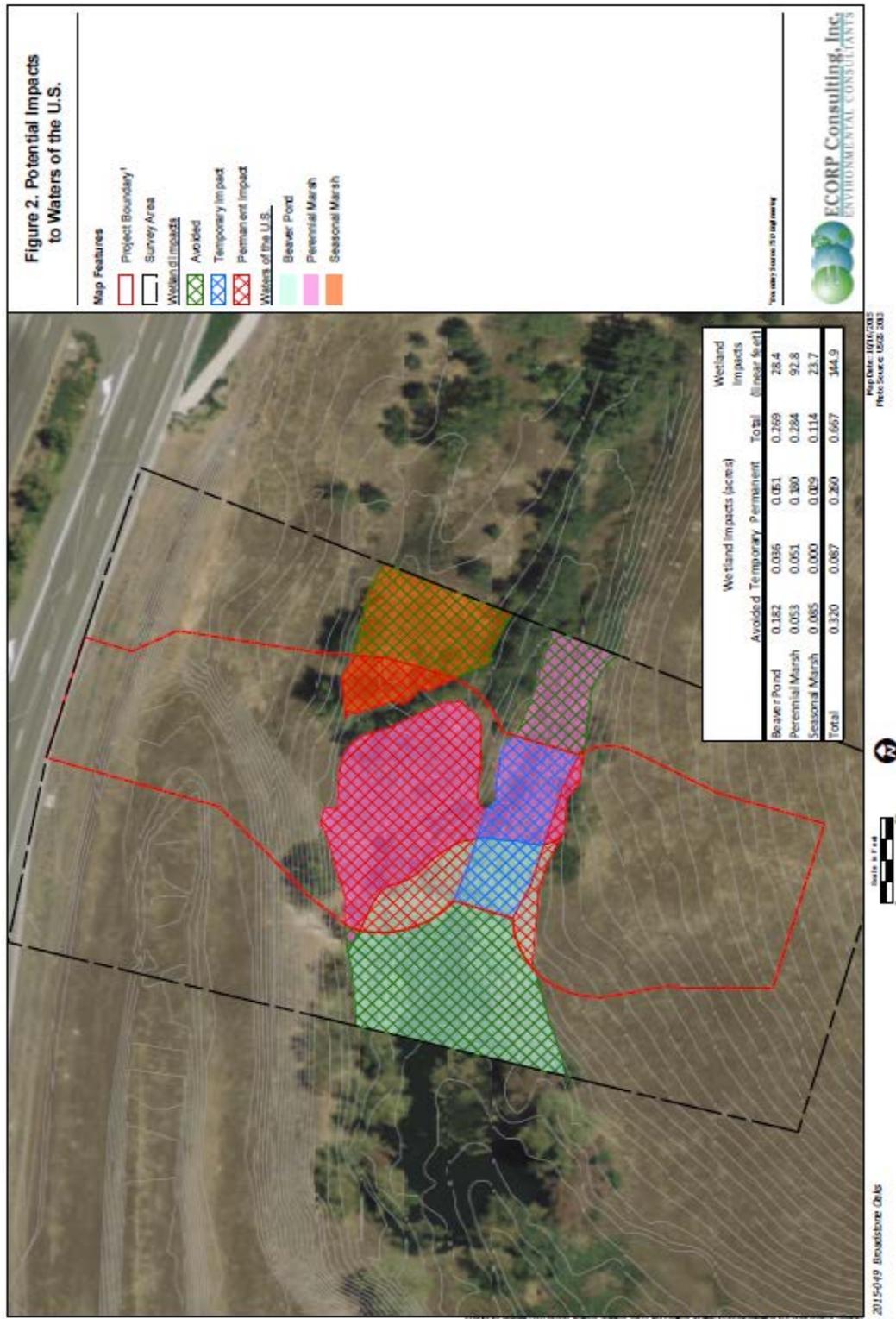


Figure 2: Potential Impacts to Waters of the State

Receiving Waters

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation 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 ¹ |
| <input type="checkbox"/> | Site 1 | Pond | Pond | 519.21 | Lake Natoma | AGR, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, MIGR, SPWN, WILD | N/A | N/A |
| <input type="checkbox"/> | Site 1 | Seasonal Marsh | Wetland | 519.21 | Lake Natoma | AGR, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, MIGR, SPWN, WILD | N/A | N/A |
| <input type="checkbox"/> | Site 1 | Perennial Marsh | Wetland | 519.21 | Lake Natoma | AGR, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, MIGR, SPWN, WILD | N/A | N/A |

¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Individual Direct Impact Locations

The following table shows individual impact locations.

| Table 2: Individual Direct Impact Information | | | | | | | | | | | |
|--|------------|------------|--------------------------------------|-------------------------------------|------------------------|--------|-------------|-------------|-----------------|-------------|-------------|
| Impact 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 Pond | 38°38'43"N | 121°8'20"W | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Temporary | -- | -- | -- | 0.051 | -- | 45 |
| | | | | | Permanent | -- | -- | -- | 0.051 | -- | 28.4 |
| Site 1 Perennial Marsh | 38°38'43"N | 121°8'20"W | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Temporary | -- | -- | -- | 0.036 | -- | 60 |
| | | | | | Permanent | -- | -- | -- | 0.180 | -- | 116.5 |
| Site 1 Seasonal Marsh | 38°38'43"N | 121°8'20"W | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Temporary | -- | -- | -- | -- | -- | -- |
| | | | | | Permanent | -- | -- | -- | 0.029 | -- | -- |
| Site 1 Riparian | 38°38'43"N | 121°8'20"W | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Temporary | -- | -- | --- | -- | -- | -- |
| | | | | | Permanent | -- | -- | -- | 0.037 | -- | 5 |

Compensatory Mitigation Information

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

Mitigation Bank Compensatory Mitigation Site Information

| Table 3: Mitigation Bank | | | | |
|------------------------------|------------|---|-------------|-----------------------------|
| Mitigation Bank | Name: | Cosumnes Floodplain Mitigation Bank | | |
| | Website: | http://www.wesmitigation.com/cabanks/another-california-bank/ | | |
| Contact Information | Name: | Travis Hemmen | | |
| | Phone: | (916) 646-3644 extension 204 | | |
| | Email: | themmen@westervelt.com | | |
| Mitigation Location | County: | Sacramento | | |
| | Latitude: | unknown | | |
| | Longitude: | unknown | | |
| Aquatic Resource Credit Type | | Mitigation Quantity | | |
| | | Acres | Linear Feet | Number of Credits Purchased |
| Wetland | | 0.384 | - | - |

A. Environmental Review

On 25 February 2009, the City of Folsom, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project and filed a Notice of Determination (NOD) at the State Clearinghouse (SCH 2016069001) on 2 June 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 the City of Folsom'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 the City of Folsom 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 the City of Folsom 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: 50 Natoma Street, Folsom, CA 95630.

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:

Potential impacts were identified in the Mitigated Negative Declaration (MND) that, unless mitigation measures were undertaken, would cause significant impacts to the environment. Those identified potential significant impacts of the Project are the following:

- i. Substantial soil erosion or loss of topsoil,

- ii. The potential impact of project construction and post-construction on storm water runoff, and
- iii. Adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the United States Fish and Wildlife Service. In addition, the Project might interfere substantially with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

a.ii. Facts in Support of Finding:

- i. **MM Geo Vb:** The Project will be subject to the City of Folsom's standard erosion and dust control measures which will reduce the impacts of construction to less than significant levels. A soils report, geotechnical report and a detailed grading plan will be prepared by a qualified and licensed engineer and reviewed and approved by the Community Development Department prior to issuance of grading and/or building permits. To offset any soils or geology related impacts the following mitigation measure is required:
 - a. Prior to the approval of the final facilities design and the initiation of the construction activities, the applicant shall submit an erosion control plan to the City of Folsom for review and approval. The plan shall identify protective measures to be taken during excavation, temporary stockpiling, any reuse or disposal, and revegetation. Specific techniques may be based upon geotechnical reports, the Erosion and Sediment Control Handbook of the State California Department of Conservation, and shall comply with all updated City of Folsom standards.
 - b. Conditions of approval for this Project require the applicant to design the drainage system to accommodate drainage on the site through the use of Best Management Practices, thereby eliminating the potential for substantial flooding to the surrounding properties.
 - c. The Project shall comply with all applicable sections of the Folsom Municipal Code relative to grading and drainage.
 - d. The applicant shall implement The City of Folsom's Clean Water Act requirements. These will be included as conditions of approval for this Project.
 - e. The Project shall comply with all application section of the Folsom Municipal Code relative to grading and drainage.
- ii. **MM Hydro/Water Quality Vlj:** The site is currently undeveloped and implementation of the Project will result in the addition of new impervious surfaces to the project site. However, the Project is not within a 100-year flood plain as identified by the Federal Emergency Management Agency. Accordingly, development of the proposed Project will not expose persons to water-related hazards such as flooding or tidal waves. The Project is located within the Alder Creek Watershed and includes a small creek, a water retention pond, and seasonal wetland areas totaling 0.27 acres. The Project has been designed in a manner as to avoid impacts of any of the water-related site features including wetland areas.
 - a. Conditions of approval are included with this project, which require the applicant to design the drainage system for the project to accommodate drainage on the site through the use of Best Management Practices, thereby eliminating the potential for substantial flooding to the surrounding properties.

- b. The proposed project shall comply with all applicable sections of the Folsom Municipal Code relative to grading and drainage.
 - c. The applicant shall implement the City of Folsom's Clean Water Act requirements.
 - d. The Project shall comply with all application section of the Folsom Municipal Code relative to grading and drainage.
- iii. **MM Bio Xbe:** The project site consists of open, rolling hills vegetated with grassland and oak woodland. The majority of the project is covered with non-native grassland. A jurisdictional wetland is located across the northern portion of the project site and includes a retention pond and perennial stream that are both associated with the Broadstone Unit No. 2 Master Plan drainage system.

A Jurisdictional Delineation was prepared for the project site to delineate all waters, including wetlands, existing in the study area, that are potentially subject to the regulatory provisions of section 404 of the Federal Clean water Act. A total of 0.27-acres of water of the United States is present within the project area. This total is comprised of 0.03-acres of seasonal wetland swales, 0.12-acres of marsh, and 0.12-acres of stream channel. The applicant has indicated that the proposed project will not encroach on the delineated wetland areas and will also maintain a 25-foot minimum setback. A bridge crossing is also proposed over the delineated wetland area and is not expected to impact any water-related features. However, to avoid any unforeseen potential impacts to the wetland areas, the following mitigation measure is required:

- The owner/applicant shall obtain all required State and Federal permits and provide evidence that said permits have been obtained, or that the permit is not required, subject to staff review and approval of any grading or improvement 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).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)

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 Regional Water Quality Control Board (Central Valley Regional 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 Regional Water Board Executive Officer.

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 certification amendments for minor changes in the Project routing or location. Often minor changes or modifications in project activities are 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 XIV of the Certification, may be requested by the Applicant as set forth below:

Process Steps

Who may apply: The Applicant or the Applicant's designated representative or agent (hereinafter, "Applicant") for this Certification.

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

Certification Deviation Request: The Applicant will request verification from the Central Valley Regional Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Certification. 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 Certification; 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 a map that includes the activity boundaries with photos of the site.
4. Provide verification of any mitigation needed according to the Certification conditions.
5. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent Negative Declaration or EIR, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162 & 15163.)

Post-Construction Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Applicant will provide a post-construction 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. Impacts to water body types if applicable;
- e. Mitigation plan if applicable; and,
- f. Map of activity location and boundaries; post-construction photos.

Annual Summary Deviation Report:

1. By January 31 of each year until the Project terminates construction activities, the Applicant or its agent will provide an Annual Summary Deviation Report that will include the following information in an excel spreadsheet (or similar format) for all Certification Deviation activities conducted for the previous calendar year (i.e., January 1 through December 31):
 - 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 (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) as originally authorized in the Certification;
 - e. Actual impact area(s) by water body type (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) due to Certification Deviation activity(ies);
 - f. The net change in impact area by water body type(s) (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards). An explanation will be required for any negative values; and,
 - g. Mitigation to be provided (approved mitigation ratio and amount).

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: PeterG.Minkel@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Peter Minkel; Reg. Measure ID: 404997_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:** 4 August 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: Broadstone Oaks Crossing Project
Permittee: Elliott Homes, Inc.
Reg. Meas. ID: 404997 **Place ID:** 822777
Order Effective Date: 4 August 2017
Order Expiration Date: 3 August 2022

Report Type Submitted

Part A – Project Reporting

Report Type 1 **Monthly Report**
Report Type 2 **Annual Report**

Part B - Project Status Notifications

Report Type 3 **Commencement of Construction**
Report Type 4 **Request for Notice of Completion of Discharges Letter**
Report Type 5 **Request for Notice of Project Complete Letter**

Part C - Conditional Notifications and Reports

Report Type 6 **Accidental Discharge of Hazardous Material Report**
Report Type 7 **Violation of Compliance with Water Quality Standards Report**
Report Type 8 **In-Water Work/Diversions Water Quality Monitoring Report**
Report Type 9 **Modifications to Project Report**
Report Type 10 **Transfer of Property Ownership Report**
Report Type 11 **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

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| 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 15th 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 (BMPs¹). Include Construction Storm Water General Permit Waste Discharge Identification Number (WDID#). 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 organization, date, location, type of incident, corrective action taken (if |

¹ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

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| | <p>any), status, and resolution.</p> <p>5. Mitigation Bank or In-Lieu Fee</p> <p>a) Status or proof of purchase of credit types and quantities.</p> <p>b) Include the name of bank/ILF Program and contact information.</p> <p>c) If ILF, location of project and type if known.</p> |
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| Report Type 2 | Annual Report – NOT APPLICABLE |
| Report Purpose | - |
| When to Submit | Not Required |
| Report Contents | - |
| Annual Report Topics (1-3) – NOT APPLICABLE | |
| Annual Report Topic 1 | Construction Summary – NOT APPLICABLE |
| When to Submit | Not Required. |
| Report Contents | - |
| Annual Report Topic 2 | Mitigation for Temporary Impacts Status - NOT APPLICABLE |
| When to Submit | Not Required. |
| Report Contents | - |
| Annual Report Topic 3 | Compensatory Mitigation for Permanent Impacts Status - NOT APPLICABLE |
| When to Submit | Not Required. |
| Report Contents | - |

Part B – Project Status Notifications

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| 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. |

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| 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. |

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| 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. |

Part B: Permittee Responsible Compensatory Mitigation

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).

Part C: Post-Construction Storm Water BMPs

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

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| 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. |

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| 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. |

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| 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 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, and with every monthly report thereafter. 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. |

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| 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. |

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| 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 BMP² 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. |

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| 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. |

² Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.