



Central Valley Regional Water Quality Control Board

4 May 2018

Sean Gallagher
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

CERTIFIED MAIL
91 7199 9991 7035 8421 2882

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE ELK GROVE ROUTINE MAINTENANCE PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00715)

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Incoming Executive Officer, Patrick Pulupa, on behalf of Executive Officer, Pamela C. Creedon. This Order is issued to the City of Elk Grove for Elk Grove Routine Maintenance 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 City of Elk Grove 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 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.

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.

Original Signed by:

Stephanie Tadlock
Environmental Scientist
401 Water Quality Certification Unit

Enclosures (1): Order for Elk Grove Routine Maintenance Project

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

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

California Department of Fish and Wildlife, Region 2
1600-2016-0034-R2
R2LSA@wildlife.ca.gov

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

Dayna Winchell
Hunting Environmental
dwinchell@huntenv.com

cc: (w/ enclosure):
Bill Guthrie (SPK-2003-00397)
United States Army Corps of Engineers
Sacramento District Headquarters
SPKRegulatoryMailbox@usace.army.mil

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: 4 May 2018
Expiration Date: 3 May 2023
Program Type: Fill/Excavation

Reg. Meas. ID: 415961
Place ID: 839257
WDID: 5A34CR00715
USACOE#: SPK-2003-00397
Regional
General Permit

Project Type: Channel Construction and Maintenance

Project: Elk Grove Routine Maintenance Project (Project)

Applicant: City of Elk Grove
Applicant Contact: Sean Gallagher
8401 Laguna Palms Way
Elk Grove, CA 95758
Phone: (916) 687-3041
Email: sgallagher@elkgrovecity.org

Applicant's Agent: Dayna Winchell
Hunting Environmental
3606 Cambridge Drive
Cameron Park, CA 95682
Phone: (619) 517-0568
Email: dwinchell@huntenv.com

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.

Table of Contents

I. Order 3

II. Public Notice 3

III. Project Purpose..... 3

IV. Project Description 3

V. Project Location..... 3

VI. Project Impact and Receiving Waters Information 3

VII. Description of Direct Impacts to Waters of the State..... 4

VIII. Description of Indirect Impacts to Waters of the State 5

IX. Avoidance and Minimization 5

X. Compensatory Mitigation 5

XI. California Environmental Quality Act (CEQA) 5

XII. Petitions for Reconsideration..... 5

XIII. Fees Received 5

XIV. Conditions 5

XV. Water Quality Certification 18

- 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

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the City of Elk Grove (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 23 August 2017. The application was deemed complete on 28 September 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 25 August 2017 to 15 September 2017. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to maintain the design capacity and erosion control of the channels and structures within the city limits in order to provide safety and prevent property loss.

IV. Project Description

The 5-year Elk Grove Routine Storm Water Maintenance Project includes performing routine maintenance activities in water bodies throughout the City of Elk Grove to maintain the design capacity and erosion control of the channels and structures within the city limits.

V. Project Location

County: Sacramento
Nearest City: Elk Grove

Township 7 North, Range 6 East, MDB&M.

Latitude: 38°25'14"N and Longitude: 121°20'36"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 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 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

Waterways within the City of Elk Grove covered under the Certification include Laguna Creek; tributaries 1, 2 and 3 to Laguna Creek, Elk Grove Creek, Strawberry Creek, Whitehouse Creek, Sheldon Creek, portions of Shed A channel, portions of Shed B channel, and several unnamed creeks. City staff will also maintain four pump stations and 19 detention basins. Maintenance activities involves the removal of any displaced silt, sand, gravel, or sediment within the immediate vicinity that substantially obstructs water flow and channel capacity for improved and un-improved channels, and other physical structures within the water bodies described above.

This Certification authorizes the discharge of approximately 2, 700 cubic yards of rip- rap, soil, gravel and aggregate base into approximately 0.40 acre of waters of the Unites States over a five-year period. Specifically, this Certification authorizes the following maintenance activities:

Maintenance Activities:

Debris and Obstruction Removal: Removal of debris, trash, rubbish flood-deposited woody and herbaceous vegetation, fallen trees, and dead trees which are in clear danger of falling in or across the channel, branches, and associated debris which noticeably reduces channel capacity and accelerates erosion and/or cause pump damage.

Sediment Removal: Sand and Silt: Removal and displacement of silt, sand or sediment, including beaver dams, that obstructs flows in the immediate vicinity of man-made facilities or structures such as bridges, concrete box culverts, and culvert pipes. Removal of silt, sand, or sediment may also be required below the ordinary high-water mark in low flow channels.

Vegetation Control: Control of aquatic and terrestrial vegetation with the use of mechanical devices, chemicals, or hand labor as described below:

- Control of vegetation, including aquatic plants, weeds, grasses, shrubs and woody growth to remove obstructions to flow in both improved and unimproved channels;
- Management of weeds and grasses on maintenance roads within the banks, by mechanical means, hand labor, or labor applications;
- Maintenance of lower branches of woody growth, less than four inches diameter breast height, growing on lower stream banks from ground level to approximately 6 feet above ground level; and
- Removal of non-native vegetation including stump and root removal between creek banks.

Repair of Previous Erosion Control Work: Repair of failed rock, concrete, or gabion sections. Maintenance activities shall be confined to the failed section and immediately adjacent areas not to exceed twenty linear feet from the affected area.

Minor Erosion Control Work: Re-grading or pulling back slopes, installation of rock, gabions, or other erosion control measures from the toe of the slope in the channel to a maximum of thirty feet, measured vertically, above the channel invert to stabilize the eroded area. The maximum length of routine channel maintenance work will be 50 feet.

No dewatering will occur within the Project area. No wet concrete will be placed into stream channel or riparian habitat.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY²	LF²	Acres	CY	LF	Acres	CY	LF
Stream Channel									

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

IX. Avoidance and Minimization

The Permittee shall implement Best Management Practices, as described in a submitted Annual Notification of Proposed Routine Maintenance Projects.

X. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because the Project is a routine maintenance Project. Compensatory Mitigation will be submitted with the Annual Notification of proposed routine maintenance projects.

XI. California Environmental Quality Act (CEQA)

On 17 December 2004, the City of Elk Grove, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2004102074) for the Project and filed a Notice of Determination (NOD) at the SCH on 17 December 2004. 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 \$720.00 was received on 22 August 2017.

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

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)

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 1.

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. Annual Notification of Proposed Routine Maintenance Projects:** The Permittee shall submit an Annual Notification of Proposed Routine Maintenance Projects each year on the 1st day of April no less than 30 days prior to the commencement of construction activities. Annual Notification of Proposed Routine Maintenance Projects shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- b. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. 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.
- c. Annual Post-Maintenance Reporting:** The Permittee shall submit an Annual Post-Maintenance Report each year on the 15th day of February 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 which includes the 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. 2009-0009-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

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.)

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.
- 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.

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.

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.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.⁶ The sampling requirements in Table 2 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. An In-Water Work and Diversions Water Quality 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

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.

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. Programmatic Conditions

The City of Elk Grove shall satisfy the following:

1. The City of Elk Grove must submit an Annual Notification of Proposed Routine Maintenance Projects for each following year, by 1 April of each year.

The Annual Notification of Proposed Routine Maintenance Projects shall include the following:

- a. A Notice of Intent (NOI) to enroll in and comply with the conditions of this Certification for each individual routine maintenance project at least 30 days prior to initiating work or construction;
- b. A description of all routine maintenance activities planned for the following construction season. When applicable, include the United States Army Corps of Engineer's Nationwide Permit (NWP) that will have authorized each project;
- c. Individual project locations, scope and purpose;
- d. The amount of fill proposed to waters of the United States and State for each individual project, in acreage and/or linear feet as appropriate; and
- e. A description of all on-site mitigation (e.g., stabilization of disturbed surfaces, revegetation of disturbed surfaces, planting of riparian vegetation, etc.) for the proposed projects.

2. The Permittee must obtain a separate Water Quality Certification for all projects that do not meet the routine maintenance criteria of this Certification.
3. The Central Valley Water Board staff will review the NOI for each individual routine maintenance project and evaluate whether it meets the eligibility criteria set forth in this Certification. The Central Valley Water Board reserves the authority to request additional information or exclude an individual project from coverage if it cannot determine that the project meets the eligibility criteria. In such case, the Central Valley Water Board Executive Office will issue a Notice of Exclusion (NOE) stating that the individual routine maintenance project is not authorized or enrolled in this Certification.
4. The Permittee shall submit Annual Post-Maintenance Reports for completed routine maintenance activities from the previous calendar year to the Central Valley Water Board by 15 February of each year.

The Annual Post-Maintenance Reports shall include the following:

- a. A complete description of the work conducted within waters of the United States, including the amount and type (in cubic yards) of material and the area (in acres) of dredge and/or fill material discharged into waters of the United States, at each location;
 - b. A vicinity map depicting the location of each activity. The map shall clearly identify the exact location and extent of each activity;
 - c. A description of the stabilization method used at bank stabilization sites;
 - d. A list of all Best Management Practices implemented to the maintenance projects, and the methods for restoring all temporary construction areas;
 - e. Any changes to the planned maintenance projects, as they were described in the Annual Notification of Proposed Routine Maintenance Projects; and
 - f. The cumulative amount of material (in cubic yards) and area (in acres) of material discharged into waters of the United States for all activities conducted under this Certification.
5. The Permittee shall annually submit the application fee of \$720.00 with the Annual Notification of Proposed Routine Maintenance Projects. The corresponding dredge and fill fees for permanent fill areas of completed projects must be submitted with the Annual Post-Maintenance Reports.

F. 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.
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.

G. 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.
 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.

H. Construction

- 1. Dewatering - NOT APPLICABLE**
- 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.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

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.

7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE

8. In-Water Work

- a. Work in the streambed shall occur during periods of no precipitation and no flow.

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.

- i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation 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.

I. Site Specific – NOT APPLICABLE

J. Total Maximum Daily Load (TMDL) - NOT APPLICABLE

K. Mitigation for Temporary Impacts – NOT APPLICABLE

L. Compensatory Mitigation for Permanent Impacts⁷

No compensatory mitigation is required for permanent impacts because the Project is a routine maintenance Project. Compensatory Mitigation will be submitted with the Annual Notification of proposed routine maintenance projects.

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**
5. **Total Required Compensatory Mitigation – NOT APPLICABLE**

M. 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

⁷ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

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 Elk Grove Routine Maintenance Project, (WDID#5A34CR00715) 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 Bryan Smith for:

Patrick Pulupa, Incoming Executive Officer for
Pamela C. Creedon, Executive Officer
Central Valley Regional Water Quality Control Board

4 May 2018

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

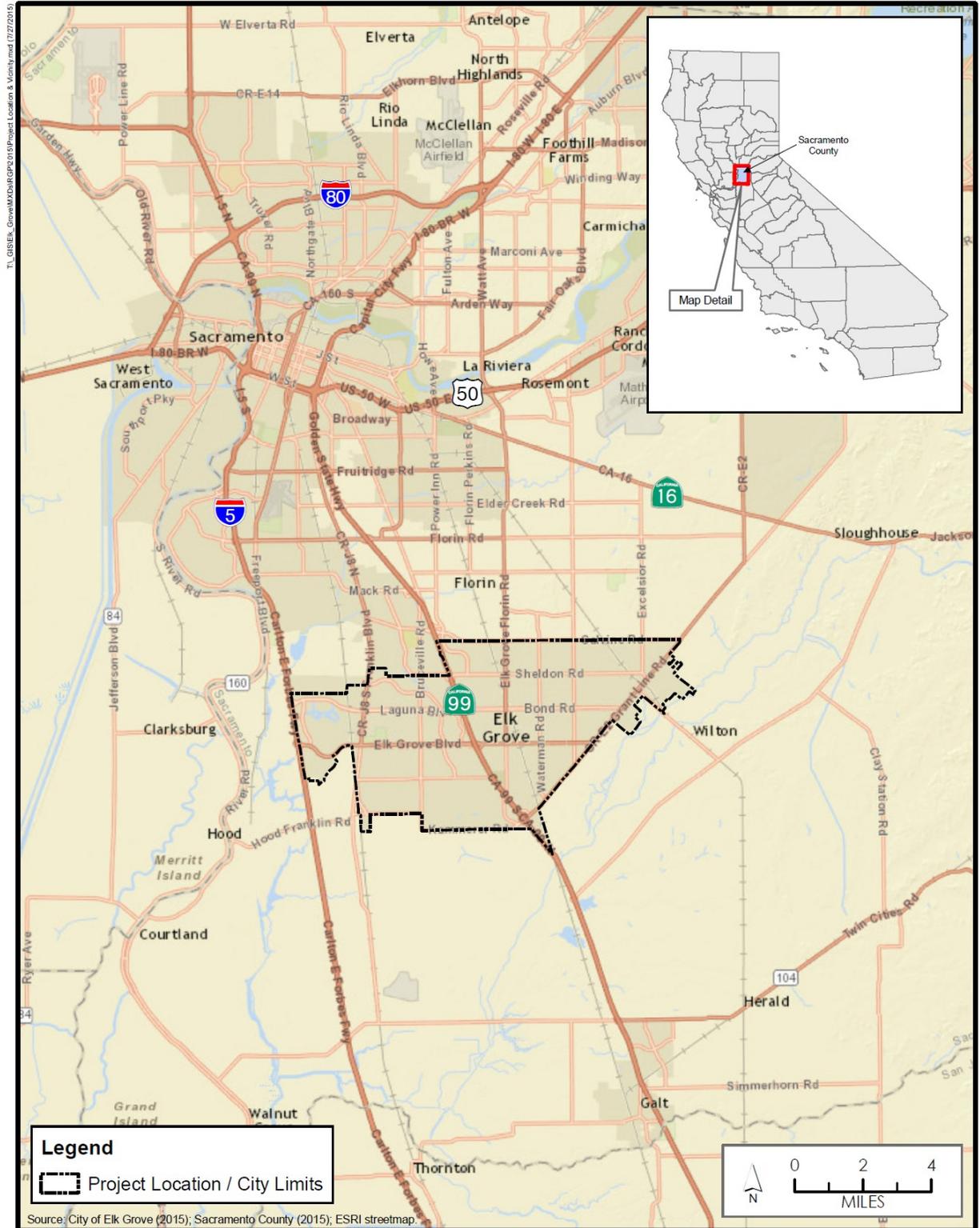
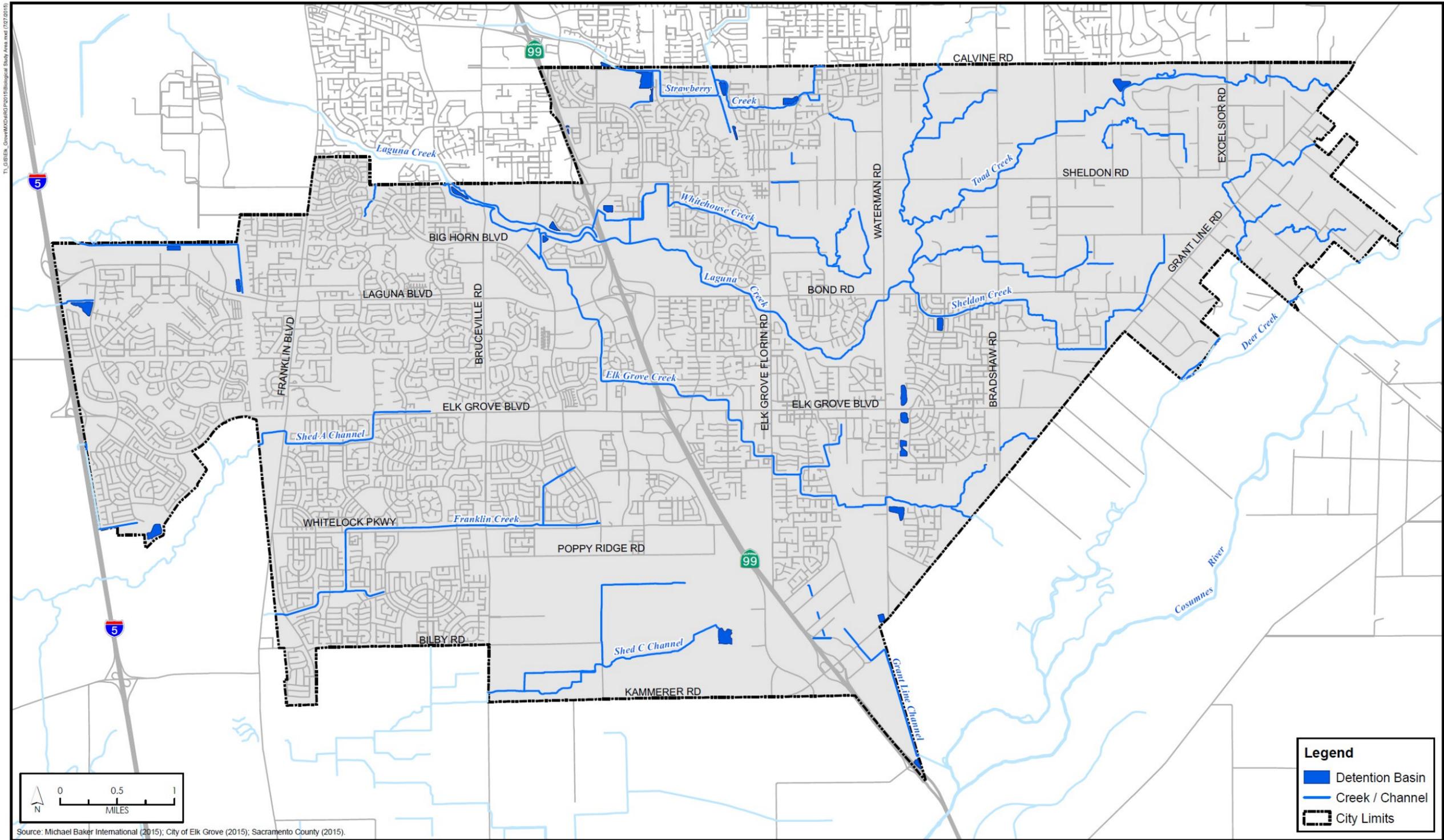


Figure 1
Project Location and Vicinity



Legend

- Detention Basin
- Creek / Channel
- City Limits

Figure 2
Water Features

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 ⁸
<input type="checkbox"/>	Grant Line Channel	Grant Line Channel	Stream channel	531.11	Grant Line Channel	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Elk Grove Creek	Elk Grove Creek	Stream channel	531.11	Elk Grove Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Sheldon Creek	Sheldon Creek	Stream channel	531.11	Sheldon Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Strawberry Creek	Strawberry Creek	Stream channel	531.11	Strawberry Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Whitehouse Creek	Whitehouse Creek	Stream channel	531.11	Whitehouse Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Tributary 1	Laguna Creek	Stream channel	531.11	Laguna Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Tributary 2	Laguna Creek	Stream channel	531.11	Laguna Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Tributary 3	Laguna Creek	Stream channel	531.11	Laguna Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Laguna Creek – Shed A	Laguna Creek	Stream channel	531.11	Laguna Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Laguna Creek – Shed B	Laguna Creek	Stream channel	531.11	Laguna Creek	n/a	chlorpyrifos, diazinon	n/a
<input type="checkbox"/>	Unnamed creeks	Unnamed creeks	Stream channel	531.11	n/a	n/a	n/a	n/a

⁸ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

A. Environmental Review

On 17 December 2004, the City of Elk Grove, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2004102071) for the Project and filed a Notice of Determination (NOD) at the SCH on 17 December 2004. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, section 21069) and in making its determinations and findings, must presume that City of Elk Grove's adopted environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, section 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 Elk Grove addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Elk Grove for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, section 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, section 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: City of Elk Grove, 8400 Laguna Palms Way, Elk Grove, CA 95758. 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 quality 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, section 15070.)

a.i. Potential Significant Impact:

Project activities may potentially have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means.

a.ii. Facts in Support of Finding:

MM 3.4-1: The City shall maintain the function and value of existing wetland resources in the City and ensure no net loss of wetland function and value occurs as part of drainage maintenance activities. Mitigation for impacts from drainage maintenance may take the form of wetland and habitat enhancement, wetland creation or other acceptable measures determined by the City and the Army Corps of Engineers as part of 404 permitting under the Federal Clean Water Act.

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, section 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: 415961_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 May 2018

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:	Elk Grove Routine Maintenance Project		
Permittee:	City of Elk Grove		
Reg. Meas. ID:	415961	Place ID:	839257
WDID:	5A34CR00715	Construction Storm Water General Permit WDID#:	_____
Order Effective Date:	4 May 2018		
Order Expiration Date:	3 May 2018		

Report Type Submitted

Part A – Project Reporting

- | | | |
|---------------|--------------------------|--|
| Report Type 1 | <input type="checkbox"/> | Annual Notification of Proposed Routine Maintenance Projects # _____ |
| Report Type 2 | <input type="checkbox"/> | Monthly Report # _____ |
| Report Type 3 | <input type="checkbox"/> | Annual Post-Maintenance Report # _____ |

Part B - Project Status Notifications

- | | | |
|---------------|--------------------------|---|
| Report Type 4 | <input type="checkbox"/> | Commencement of Construction |
| Report Type 5 | <input type="checkbox"/> | Request for Notice of Completion of Discharges Letter |
| Report Type 6 | <input type="checkbox"/> | Request for Notice of Project Complete Letter |

Part C - Conditional Notifications and Reports

- | | | |
|----------------|--------------------------|---|
| Report Type 7 | <input type="checkbox"/> | Accidental Discharge of Hazardous Material Report |
| Report Type 8 | <input type="checkbox"/> | Violation of Compliance with Water Quality Standards Report |
| Report Type 9 | <input type="checkbox"/> | In-Water Work/Diversions Water Quality Monitoring Report |
| Report Type 10 | <input type="checkbox"/> | Modifications to Project Report |
| Report Type 11 | <input type="checkbox"/> | Transfer of Property Ownership Report |
| Report Type 12 | <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	Annual Notification of Proposed Routine Maintenance Projects
Report Purpose	Notifies Central Valley Water Board staff of the proposed routine maintenance projects for the calendar year
When to Submit	On the 1 st day of April until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<ol style="list-style-type: none"> 1. Notice of Intent A NOI to enroll in and comply with the conditions of this Order for each individual routine maintenance Project at least 30 days prior to initiating work or construction. 2. Activities Summary A description of all routine maintenance activities planned for the following construction season. When applicable, include the United States Army Corps of Engineers Nationwide Permit that will have authorized each Project. 3. Locations Individual Project locations, scope, and purpose. 4. Impacts to Waters The amount of fill proposed to waters of the United States and state for each individual Project, in acreage and/or linear feet as appropriate. 5. Mitigation Summary A description of all on-site mitigation (e.g., stabilization of disturbed surfaces, re-vegetation of disturbed surfaces, planting of riparian vegetation, etc.) for the proposed Projects.
Report Type 2	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 1st day of each month until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	The monthly report shall contain the following summaries:

	<p>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 (BMPs⁹). If construction has not started, provide estimated start date.</p> <p>2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</p> <p>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.</p> <p>4. Compliance Summary</p> <p>a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</p> <p>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".</p> <p>c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</p> <p>d) Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
--	---

Report Type 3	Annual Post-Maintenance 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 15 th day of February starting one year after the effective date of the Order. Annual Post-Maintenance Reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	1. A complete description of the work conducted within waters of the United States and state, including the amount and type (in cubic yards) of material

⁹ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p>and the area (in acres) of dredge and/or fill material discharged into waters at each location.</p> <ol style="list-style-type: none"> 2. A vicinity map depicting the location of each activity. The map shall clearly identify the exact location and extent of each activity. 3. A description of the stabilization method used at bank stabilization sites. 4. A list of all Best Management Practices implemented to the maintenance Projects, and the methods for restoring all temporary construction areas. 5. Any changes to the planned maintenance Projects, as they were described in the Annual Notification of Proposed Routine Maintenance Projects. 6. The cumulative amount of material (in cubic yards) and area (in acres) of material discharged into waters for all activities conducted under this Order.
--	---

Part B – Project Status Notifications
--

Report Type 4	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 5	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 6	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 7	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 8	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 9	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 10	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 11	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 BMP¹⁰ 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 12	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.

¹⁰ 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 M 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).