



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 27 September 2018

Expiration Date: 27 September 2023

Program Type: Fill/Excavation

Project Type: Sand and Gravel Mining

Project: Teichert Quarry Project (Project)

Applicant: Teichert Aggregates

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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 (530) 224-4845 and ask to speak with the Water Quality Certification Unit Supervisor.

Table with 2 columns: Field Name and Value. Fields include Reg. Meas. ID, Place ID, WDID, USACE No., and Individual Permit.

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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 Teichert Aggregates (hereinafter 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 18 December 2017. The application was deemed complete on 3 April 2018. 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).

<b>Table 1: Record of Notice(s) of Incomplete Application</b>	
Date of Notice of Incomplete Application	Date all requested information was received.
21 February 2018	3 April 2018

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 2).

<b>Table 2: Record of Supplemental Application Information</b>	
Date of Request for Supplemental Information	Date all requested information was received.
21 February 2018	3 April 2018
22 May 2018	20 June 2018

**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 22 December 2017 to 12 January 2018. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The purpose of the ±622-acre project is to obtain a long-term, dependable source of high-quality aggregate necessary to meet current and projected demand for construction materials within the intended market area which encompasses the eastern sector of Sacramento County (Folsom and Rancho Cordova), Elk Grove and western El Dorado County.

**IV. Project Description**

The Project is a proposed ±468-acre hard rock mining and processing operation. Activities associated with the mining project include the construction of an access road, conveyor, processing plant and other related facilities (i.e., storm water detention, landscaping and screening).

The aggregate conveyor system will transport a portion of the mined material from the quarry site to an off-site processing facility. This conveyor would extend overland from the quarry along a 100-foot-wide easement, which would include the ground conveyor, water pipeline, electricity infrastructure and an access road for maintenance. The Project will also include the construction of an access road, approximately 33 feet wide within an existing 110-foot-wide unimproved County right-of-way. This access road would extend approximately one mile north from the entrance/exit of the Project site to White Rock Road.

In order to implement the project, topsoil and other material which overlies the aggregate resource will first be excavated. This excavation will permanently impact approximately 3.244 acres of waters of the United States and 0.314 acre of non-federally jurisdictional waters of the State. This impact acreage includes ephemeral tributaries (1.942 acres), vernal pools (0.663 acre), depressional seasonal wetlands (0.087 acre) and a livestock pond (0.865 acre). Project impacts will occur in two phases. Phase I impacts will occur in the first 4 years of operations and total approximately 2.191 acres. Phase II impacts will begin around the fourth year of operations and will total approximately 1.366 acres.

## V. Project Location

Address: The Teichert Quarry project is located on the east side of Scott Road, approximately one mile south of White Rock Road, in the unincorporated area of eastern Sacramento County.

County: Sacramento County

Assessor's Parcel Number(s): 072-0110-063, 072-0110-053, 072-0110-060, 072-0110-051, 072-0110-061, 072-0110-005, 072-0110-036, 072-0110-031, 072-0100-017, 072-0060-070, 072-0060-071, and 072-0110-059.

Nearest City: Clarksville

Section(s) 20, 21, 28-32, Township 9 North, Range 8 East, MDB&M.

Latitude: 38.602° and Longitude: -121.128°

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, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](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

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

<b>Table 3: Total Project Fill/Excavation Quantity</b>									
<b>Aquatic Resource Type</b>	<b>Temporary Impact<sup>1</sup></b>			<b>Permanent Impact</b>					
				<b>Physical Loss of Area</b>			<b>Degradation of Ecological Condition</b>		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Ephemeral Drainage				0.639	224.0	8,463.0			
Pond				0.865		708.9			
Riverine Seasonal Marsh				0.209		503.9			
Riverine Seasonal Wetland				1.078	275.8	12,140.7			
Depressional Seasonal Marsh				0.029	93.7	154.4			
Depressional Seasonal Wetland				0.058	172.9	212.5			
Vernal Pools				0.366	294.4	1,346.8			
Riverine Seasonal Wetland (Non-Jurisdictional)				0.017		195.8			
Vernal Pools (Non-Jurisdictional)				0.297		835.7			

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

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The Project may cause a decrease in surface water runoff that could affect areas downstream and the Project will alter the existing drainage patterns onsite and encroach on an ephemeral drainage to Carson Creek. Mining operations will also impact other seasonal features onsite that drain to Carson and Coyote Creeks. The Project will utilize groundwater for proposed operations and it has the potential to deplete surface water flows into Carson and Coyote Creeks due to groundwater level decline from mining operations.

### IX. Avoidance and Minimization – Not Applicable

### X. Compensatory Mitigation

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

<sup>1</sup> 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.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

**XI. California Environmental Quality Act (CEQA)**

This Order certifies an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2003072087). 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 of \$720.00 was received on 21 December 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.

An additional fee of \$46,514.00 based on total Project impacts was received on 3 April 2018.

**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 3.

**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: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov).

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

**1. Project Reporting**

- a. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 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.

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

## 2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 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,<sup>3</sup> 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 Materials<sup>4</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 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)

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<sup>3</sup> 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.

<sup>4</sup> "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 & Safety Code, Section 25501.)

- 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](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
  - 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.
- 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.
  - 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. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

- 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<sup>5</sup>:
  - 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;

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<sup>5</sup> Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters.

- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 4 sampling parameters.<sup>6</sup> The sampling requirements in Table 4 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 Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks 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.b.

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

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants <sup>7</sup>	Observation	Visual Inspections	Continuous throughout the construction period

- 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

<sup>6</sup> 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.

<sup>7</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

#### **D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, Title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the

need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (County of Sacramento Department of Environmental Review and Assessment, Mitigation Monitoring and Reporting Program dated 8 November 2011) 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 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 & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 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.



## 2. Directional Drilling

- a. If installation or relocation of dry and/or wet utility lines is anticipated, the Permittee shall develop and implement a Dry and Wet Utility Work Plan prior to commencement of dry and wet utility construction. The Dry and Wet Utility Plan must cover all phases of the certified project that will impact waters of the United States and waters of the state, and shall be consistent with this Certification.

The Dry and Wet Utility Plan shall include the types of dry and wet utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of dry and wet utility work, as related to any water of the United States and waters of the state, in the Project area.

Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist or Engineer.

The Utility Work Plan and Direction Drilling Plan must be submitted to the Central Valley Water Board staff upon request.

## 3. Dredging – Not Applicable

## 4. Fugitive Dust – Not Applicable

## 5. Good Site Management “Housekeeping”

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.

**6. Hazardous Materials**

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

**7. Invasive Species and Soil Borne Pathogens**

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

**8. 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. Provide treatment BMPs to reduce pollutants in runoff;
  - iii. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - iv. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - v. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

**9. Roads – Not Applicable****10. 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.

**11. Special Status Species**

Federally-threatened Vernal pool fairy shrimp (*Branchinecta lynchi*). ~~Federally-endangered Vernal pool tadpole shrimp (*Lepidurus packardii*).~~

**12. 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.

**13. 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. 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 – Not Applicable****K. Compensatory Mitigation for Permanent Impacts<sup>8</sup>****1. Compensatory Mitigation Plan**

- a. The Permittee has submitted a draft compensatory mitigation plan as part of a complete application.
- b. The Permittee shall provide a final compensatory mitigation plan for written approval by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon written approval by Central Valley Water Board staff, the Permittee shall implement the approved plan.
- c. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c)
- d. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

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

## 2. Irrevocable Letter of Credit

- ~~a. The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in the amount of \$720,000.00 for the cost of the Permittee's required compensatory mitigation under this Order within 120 days of issuance of this Order and in advance of authorized impacts. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written approval. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.~~

Pursuant to the Section 404 Permit issued by the United States Army Corps of Engineers (USACE) for the Project, prior to impacting waters, the Permittee shall post a performance bond in favor of the USACE, Sacramento District, in the amount of \$720,000.00 for the cost of the Permittee's required compensatory mitigation. A copy of this performance bond shall be provided to the Central Valley Regional Water Quality Control Board staff prior to the initiation of any construction activities in waters of the United States and waters of the state. The USACE shall be authorized to call the performance bond if the USACE determines, in its sole discretion, that the permittee has failed to meet its mitigation obligations. The bond shall remain in place until the Permittee has completed its required compensatory mitigation and achieved all applicable performance standards to the reasonable satisfaction of the USACE.

- ~~b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within 180 days of issuance of this Order and in advance of authorized impacts.~~
- c. The Permittee shall have an approved security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards to the reasonable satisfaction of the Central Valley Water Board Staff.
- d. If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to Central Valley Water Board staff written approval following the same procedure described in the conditions above.

## 3. Permittee-Responsible Compensatory Mitigation Responsibility

- a. Permittee responsible compensatory mitigation installation shall be completed in advance of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been satisfied:
- i. Performance standards are met.
  - ii. Central Valley Water Board staff have provided written approval of a transfer agreement to a third party.

- iii. The Permittee has provided an endowment fund to a third party for management in perpetuity of the mitigation site.
  - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and received written approval by Central Valley Water Board staff.
- c. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility
- i. The transfer agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Central Valley Water Board under Water Code section 13385, subdivision (a).

#### 4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

#### 5. Total Required Compensatory Mitigation

- ~~a. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.374 acres of wetlands by constructing 1.37 acres of vernal pools. Required vernal pool creation shall be completed at the White Rock Road Property — Scott Road Conservation Bank pending approval by the United States Army Corps of Engineers.~~
- ~~b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.366 acre of vernal pools, by constructing 0.37 acres of vernal pools. Required vernal pool creation shall be completed at the White Rock Road Property Scott Road Conservation Bank pending approval by the United States Army Corps of Engineers.~~
- ~~c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.639 acres of ephemeral drainage by constructing 0.64 acres of vernal pools. Required vernal pool creation shall be completed at the White Rock Road Property — Scott Road Conservation Bank pending approval by the United States Army Corps of Engineers.~~
- ~~d. The Permittee is required to provide compensatory mitigation for the authorized impact 0.865 acres of ponds by constructing 0.87 acres of vernal pools. Required vernal pool creation shall be completed at the White Rock Road Property — Scott Road Conservation Bank pending approval by the United States Army Corps of Engineers.~~
- ~~e. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.017 acres of non-jurisdictional wetlands by purchasing 0.05 acres of floodplain mosaic wetland credits at the Cosumnes Floodplain Mitigation Bank.~~

- ~~f. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.297 acres of non-jurisdictional vernal pools by purchasing 0.89 acres of floodplain mosaic wetland credits at the Cosumnes Floodplain Mitigation Bank.~~
- ~~g. The Permittee is required to provide compensatory mitigation for the loss of 0.36 acre of vernal pools by establishing 0.94 acre of vernal pools at the White Rock Road Properties Scott Road Conservation Bank.~~
- ~~h. The Permittee is required to provide compensatory mitigation for the loss of 0.06 acre of depressional seasonal wetlands by establishing 0.11 acre of vernal pools at the White Rock Road Properties Scott Road Conservation Bank.~~
- ~~i. The Permittee is required to provide compensatory mitigation for the loss of 1.08 acre of riverine seasonal wetlands by establishing 1.55 acres of vernal pools and 0.05 acre seasonal wetlands at the White Rock Road Properties Scott Road Conservation Bank.~~
- ~~j. The Permittee is required to provide compensatory mitigation for the loss of 0.03 acre of depressional seasonal marsh by establishing 0.05 acre of seasonal wetland at the White Rock Road Properties Scott Road Conservation Bank.~~
- ~~k. The Permittee is required to provide compensatory mitigation for the loss of 0.21 acre of riverine seasonal marsh by establishing 0.94 acre of seasonal wetlands at the White Rock Road Properties Scott Road Conservation Bank.~~
- ~~l. The Permittee is required to provide compensatory mitigation for the loss of 0.87 acre pond by purchasing 0.44 acre floodplain mosaic establishment credits at the Cosumnes Floodplain Mitigation Bank.~~
- ~~m. The Permittee is required to provide compensatory mitigation for the loss of 0.64 acre ephemeral drainage by purchasing 0.64 acre floodplain mosaic establishment credits at the Cosumnes Floodplain Mitigation Bank.~~
- ~~n. The Permittee is required to provide compensatory mitigation for the loss of 0.02 acre of riverine seasonal wetland (non-jurisdictional wetlands) by purchasing 0.04 acres of floodplain mosaic wetland credits at the Cosumnes Floodplain Mitigation Bank.~~
- ~~o. The Permittee is required to provide compensatory mitigation for the loss of 0.30 acre of vernal pools (non-jurisdictional vernal pools) by purchasing 0.60 acres of floodplain mosaic wetland credits at the Cosumnes Floodplain Mitigation Bank.~~
- p. 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.								
Aquatic Resource Type	Comp Mit. Type <sup>9</sup>	Units	Method <sup>10</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	PR	Acres	<del>3.25</del> <u>2.60</u>					
<u>Seasonal Wetlands</u>	<u>PR</u>	<u>Acres</u>	<u>0.48</u>					
Wetland	MB	Acres	<del>0.94</del> <u>1.72</u>					

#### L. Mitigation Bank Development

Teichert Aggregates has proposed developing the White Rock Road ~~Property-~~ Properties Scott Road Mitigation Bank to mitigate for impacts to waters of the United States and waters of the state. The Teichert Quarry Wetland Mitigation and Monitoring Plan dated April October 2018 provides details on Permittee responsible mitigation requirements, including the ~~construction establishment~~ of ~~3.25~~ 2.60 acres of vernal pools and ~~swales~~ 0.48 acres of seasonal wetlands. All wetland construction will be completed at least one year prior to Phase 1 impacts. The remaining compensatory mitigation balance will be satisfied via a purchase of ~~credits at a Corps and RWQCB-approved mitigation site~~ 1.72 floodplain mosaic wetland credits at the Cosumnes Floodplain Mitigation Bank.

#### 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

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

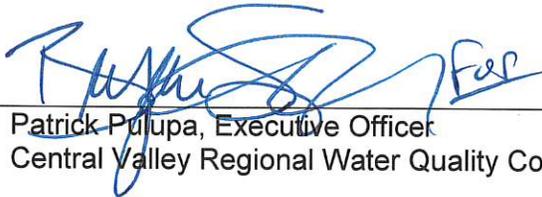
<sup>10</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

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 Amended Order for the Teichert Quarry Certification, WDID No. 5A34CR00728A1, 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).

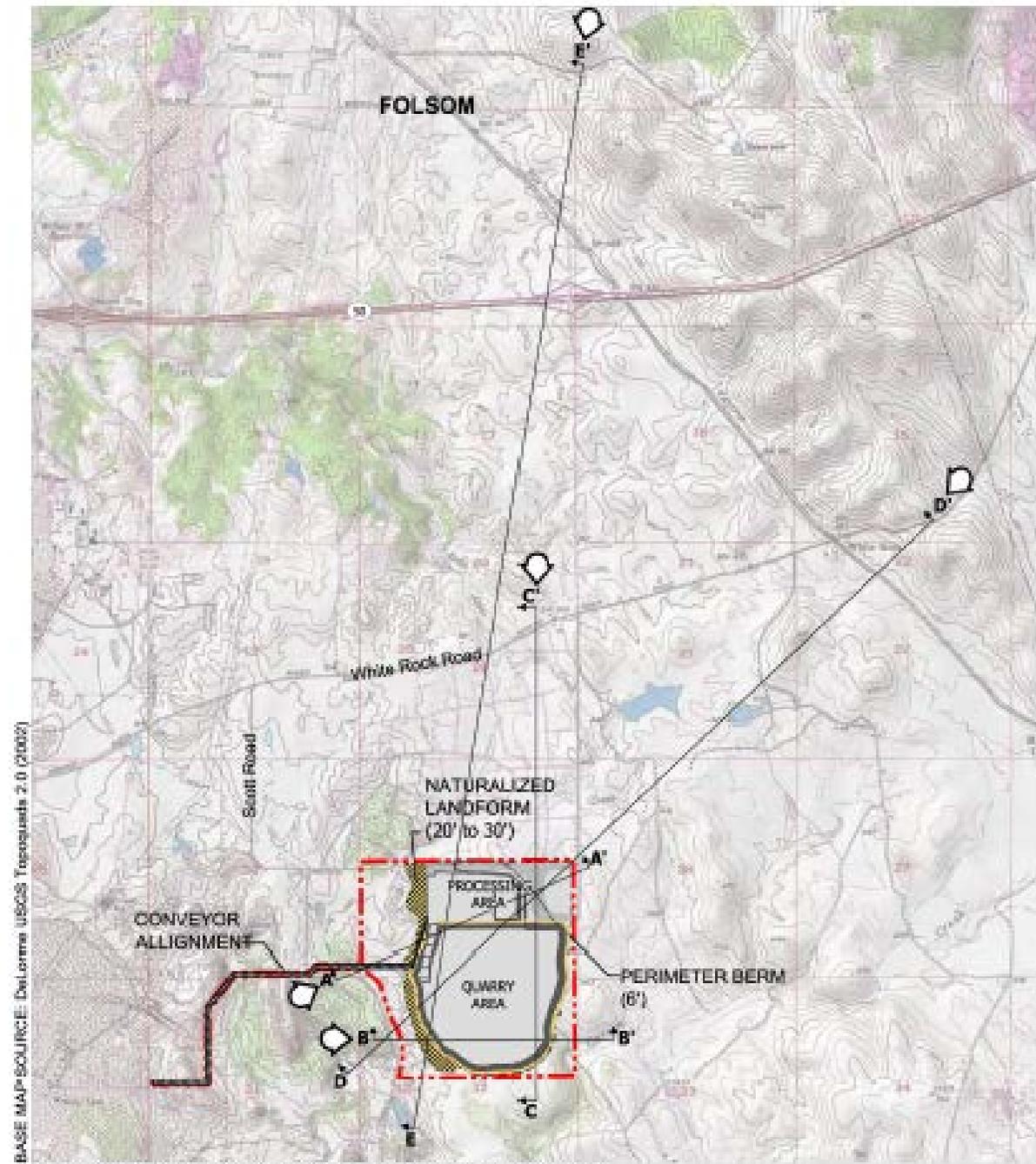
Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable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

  
Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

12/14/2018  
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

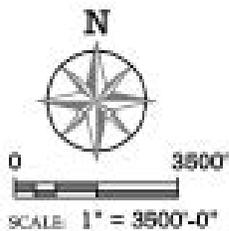
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Distance from Viewpoint to Quarry:

- A: 900'
- B: 750'
- C: 1 mile
- D: 2.2 miles
- E: 3.7 miles

Viewpoint Location and Direction



**Figure 3.1-2**  
**Visual Analysis**  
**Cross-Section Locations**  
**TEICHERT QUARRY**



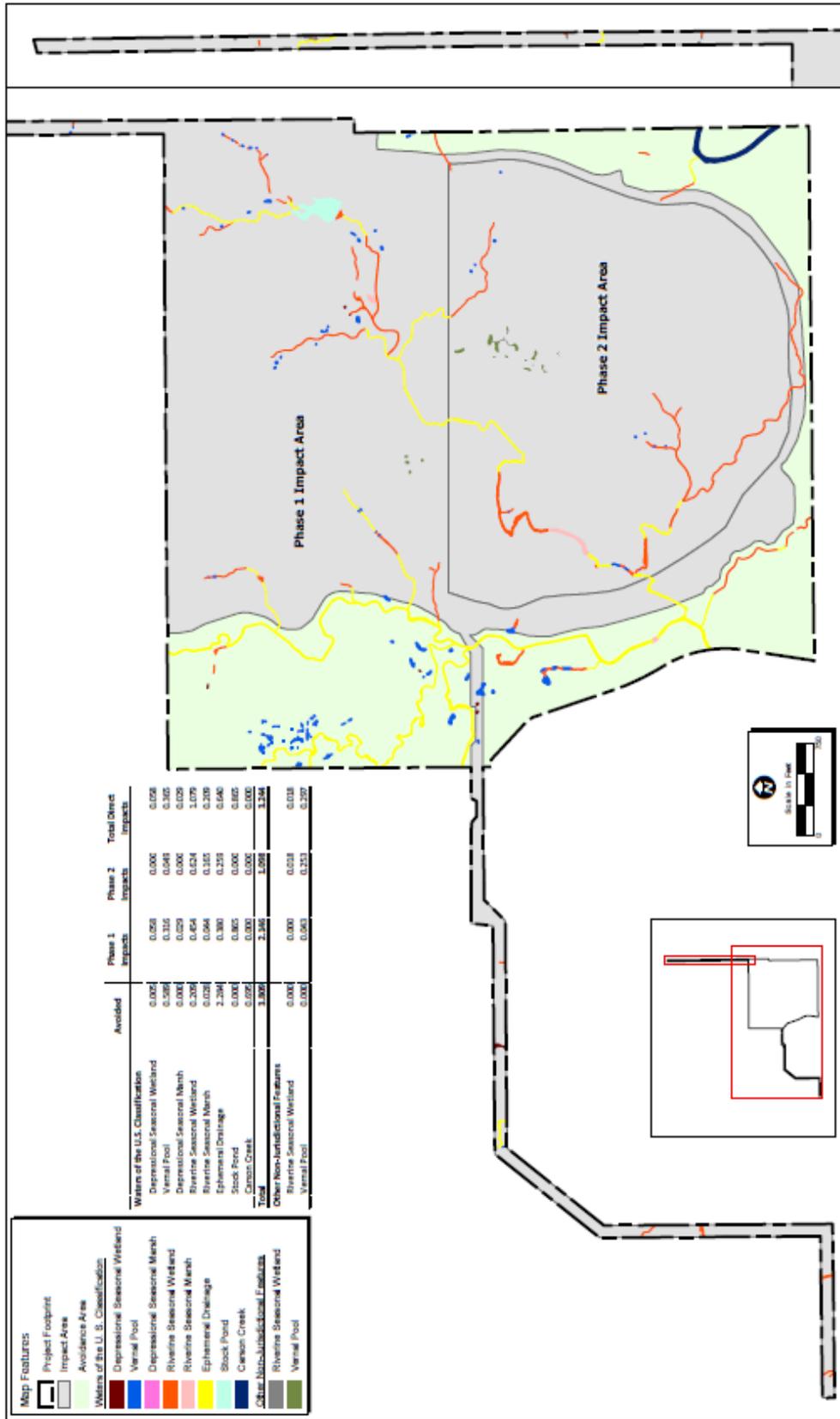


Figure 3. Proposed Wetland Impacts  
2010-009 Teichert Quarry

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**Receiving Waters**

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

<b>Table 1: Receiving Water(s) Information</b>							
Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID <sup>11</sup>
Depressional Seasonal Wetlands (4-11)	Unnamed	Wetlands	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Vernal Pools (17-19, 22-24, 26, 29, 30, 33-39, 44-59, 71, 73, 95-102, 104, 105, and 107-111)	Unnamed	Vernal Pools	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Depressional Seasonal Marsh 112	Unnamed	Marshes	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Riverine Seasonal Wetland (117-143, 147, 148, 151, 152, 154-159, 165-173, 175, 176, and 224)	Unnamed	Wetlands	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A

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

<b>Table 1: Receiving Water(s) Information</b>							
Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID <sup>11</sup>
Riverine Seasonal Marsh (177 and 178)	Unnamed	Marshes	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Ephemeral Drainage (181, 182, 184-187, 189, 192-200)	Unnamed	Drainage	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Pond 200	Unnamed	Pond	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Riverine Seasonal Wetland (220-223) (Non-Jurisdictional)	Unnamed	Wetland	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A
Vernal Pools (201-219) (Non-Jurisdictional)	Unnamed	Vernal Pool	532.22	Cosumnes River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A

**Individual Direct Impact Locations**

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
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
Depressional Seasonal Wetlands (4-11)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.058	172.9	213
Vernal Pools (17-19, 22-24, 26, 29, 30, 33-39, 44-59, 71, 73, 95-102, 104, 105, and 107-111)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.366	294.4	1,347
Depressional Seasonal Marsh (112)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.029	93.7	154
Riverine Seasonal Wetland (117-143, 147, 148, 151, 152, 154-159, 165-173, 175, 176, and 224)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				1.078	275.8	12,141
Riverine Seasonal Marsh (177 and 178)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.209		504
Ephemeral Drainage (181, 182, 184-187, 189, 192-200)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.639	224.0	8,463
Pond (200)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.865		709
Riverine Seasonal Wetland (220- 223) (Non-Jurisdictional)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.017		196
Vernal Pools (201-219) (Non-Jurisdictional)	38.602	-121.128	<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent				0.297		836

**Compensatory Mitigation Information**

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

**Mitigation Bank-Permittee-Responsible Compensatory Mitigation Information**

<b>Table 3: <u>Mitigation Bank</u> – WRRP Scott Road Conservation Bank Project</b>			
<u>Mitigation Conservation Bank</u>	Name:	White Rock Road Properties Scott Road Conservation Bank	
	Website:		
Contact Information	Name:	Barry Baba, Habitat Restoration Supervisor	
	Phone:	(916) 480-5505	
	Email:	<a href="mailto:bbaba@teichert.com">bbaba@teichert.com</a>	
	Name:	Kelly Hopkins, Sacramento Valley Conservation	
	Phone:	(916) 974-4330	
	Email:	<a href="mailto:khopkins@sacramentovalleyconservation.org">khopkins@sacramentovalleyconservation.org</a>	
Mitigation Location	County:	Sacramento County	
	Latitude:	38.605	
	Longitude:	-121.135	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool <del>Creation</del> <u>Establishment</u>	<del>3.25</del> <u>2.60</u>		
<u>Seasonal Wetlands Establishment</u>	<u>0.48</u>		

Table 4: Mitigation Bank – Westervelt Ecological Services				
Mitigation Bank	Name:	Westervelt Ecological Services, Cosumnes Floodplain Mitigation Bank		
	Website:	Westervelt.com		
Contact Information	Name:	Travis Hemmen		
	Phone:	(916) 646-3644		
	Email:	<a href="mailto:themmen@westervelt.com">themmen@westervelt.com</a>		
Mitigation Location	County:	Sacramento County		
	Latitude:	38.273		
	Longitude:	-121.446		
Aquatic Resource Credit Type		Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased
Floodplain Mosaic Wetland		<del>0.94</del> <u>1.72</u>		

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## A. Environmental Review

On 27 October 2010, the County of Sacramento, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2003072087) for the Project and filed a Notice of Determination (NOD) at the SCH on 6 December 2010. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that County of Sacramento's certified environmental document comports with the requirements of CEQA and is valid. (Public 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 County of Sacramento addresses the Project's water quality impacts. (California Code of Regulations, Title 14, section 15096, subd. (f).) (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, Title 14, section 15091, subd. (d).)

## B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, 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 FEIR which is incorporated herein by reference. The Project FEIR is available at: Sacramento County Planning and Environmental Review, 827 7<sup>th</sup> Street, Second Floor, Sacramento, CA 95814.

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 FEIR describes the potential significant environmental effects to water quality. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, Title 14, section 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

### a.i. Potential Significant Impact:

**Impact 3.8-6:** The Project has the Potential to Deplete Surface Water Flows in Carson Creek and Coyote Creek Due to Groundwater Level Decline.

### .a.ii. Facts in Support of Finding:

**Mitigation Measure 3.8-1a** - Prior to the beginning of mining in Phase 2, the applicant shall be required to install monitoring wells, extending to an elevation of 150 feet (ft) mean sea level (msl) or deeper, adjacent to Coyote Creek and Carson Creek. Three

wells shall be installed at an even spacing along the western Project boundary adjacent to Coyote Creek. Two additional wells shall be installed on Teichert property adjacent to Carson Creek southeast of the Project boundary and located based on the observed trends and locations of fractures, joints, quartz veins, and bedding planes/geologic contacts relative to the creek bed. The specific well locations must be approved by the County. The wells shall be installed and developed in accordance with standard practice and state guidelines.

The monitoring wells shall be instrumented with pressure transducers and dataloggers so that water levels can be automatically recorded at frequent intervals (at least daily). The monitoring program shall begin at least one year before the depth of mining reaches the same elevation as the creek beds. Data shall be retrieved at least quarterly from the dataloggers. Water quality samples shall be collected from the creek and each well on a semiannual basis (once during the dry season and once during the rainy season). The samples shall be analyzed for general minerals, to include at a minimum temperature, pH, electrical conductivity, calcium, magnesium, sodium, potassium, chloride, sulfate, total alkalinity, and bicarbonate alkalinity. The analysis shall be conducted at a state-certified analytical laboratory. The data shall be posted on Stiff Plots and Piper Diagrams to evaluate whether or not water from the creek appears to be affecting the groundwater quality. The data and the conclusions of the evaluation shall be provided to the County in brief semiannual letter reports.

The letter reports must assess whether the water level or water-quality data indicate that the water from a creek is entering one or more wells at a rate greater than that which occurred prior to mining below an elevation equivalent to the base of the creek. Such a condition may be indicated by a persistent or abrupt and persistent increase in the groundwater elevation, or by a shift in the groundwater chemistry toward the water chemistry of the adjacent creek. Such an assessment shall be made by a California- Certified Hydrogeologist. This assessment must continue until mining ceases.

If the data indicate that water from a creek is entering one or more wells at a rate greater than that which occurred prior to mining, then the Applicant must take one or more of the following actions:

- Seal the quarry face adjacent to the creek to prevent seepage, for example by placing a low-permeability material such as tailings or shotcrete over fracture zones;
- Modify the mine plan to reduce the depth of mining adjacent to the creek; or
- Other measures that the Applicant or the County may identify that will prevent seepage from the creek.

The Applicant will be required to complete any application or permit approvals required to implement the specific action, up to and including revising the mine plan or reclamation plan and the related permitting and environmental review requirements.

b.i. Potential Significant Impact:

**Impact 3.8-7:** The Project Could Cause Degradation of Groundwater and/or Surface-Water Quality

b.ii. Facts in Support of Finding:

**Mitigation Measure 3.8-2a** - As part of the Project approvals and permitting, the Applicant shall prepare a Stormwater Pollution Prevention Plan as required by the CVRWQCB to comply with Basin Plan limits for water quality and discharge of sediment and suspended solids. Compliance with the requirements in the Stormwater Pollution Prevention Plan, along with Mitigation Measure 3.8-5b, will prevent any future degradation of surface-water quality related to the Project. To verify compliance with this mitigation measure, the operator will be required to conduct monitoring and sampling as required in the Stormwater Pollution Prevention Plan. The monitoring results must be reported to the Regional Water Quality Control Board and DERA Mitigation and Monitoring Division.

**Mitigation Measure 3.8-2b** - All fuel and chemical storage areas and all equipment maintenance areas shall be placed in an enclosed building or on bermed concrete surfaces. If the bermed concrete surfaces drain to a sump, the sump shall be cleaned and the waste fluids handled and disposed of in compliance with all applicable laws and regulations. If the bermed concrete surfaces do not drain to a sump, routine cleaning shall be conducted to prevent runoff or other discharges from the surface. The cleaning solutions and wash water shall be handled in the same manner as the sump fluids.

**Mitigation Measure 3.8-2c** - The applicant shall implement and follow the Best Practices for Blasting developed by the Institute of Makers of Explosives (IME). The Best Practices include training of explosives users, selection of the appropriate explosives for site-specific conditions, proper explosives loading and handling techniques, and attention to technical matters.

If drilling activities for blasting encounter groundwater or percolating rainfall, water-resistant explosive materials shall be used. The duration of exposure of explosive materials to wet conditions should be minimized. Therefore, explosives should be detonated as soon as is safe and practicable after placement in the field. In boreholes where large fractures or voids are encountered, plastic sleeves or similar mechanisms shall be used in the blast holes to prevent explosives from moving out into the formation and not being detonated.

To prevent potential stormwater contamination from explosives, best management practice (BMP's) shall be utilized when transporting onsite and loading explosives into drill holes. These BMP's may include:

- Requiring bulk explosive transport and loading equipment to prevent spillage of explosives;
- When loading drill holes, ensuring that bulk loading hoses or systems have stopped flowing before removing them from the drill holes to prevent surface spillage;
- Cleaning any surface spillage that occurs before blasting; and
- Water that contacts undetonated explosives may not be discharged to the settling ponds, process water ponds, or the quarry pit.

c.i. Potential Significant Impact:

**Impact 3.8-8:** The Project Could Alter the Groundwater Flow Directions and Cause Contaminated Groundwater from the Aerojet Area 41 Site to Enter the Quarry Pit

c.ii. Facts in Support of Finding:

**Mitigation Measure 3.8-3** - The applicant shall retain a qualified California-licensed Certified Hydrogeologist to prepare a groundwater monitoring program for the site. The groundwater monitoring program shall include at least four well pairs located along the northern Project boundary (north side of the processing area). These wells shall be screened at intervals equivalent to the shallow and deep intervals in existing monitoring well pairs (e.g. MW-1S and MW- 1D), as appropriate. Well pair locations shall be based upon the projected flow paths in the Geomega model and identified preferential pathway orientations, such as geologic contacts, quartz veins, fracture zones, and joints. Existing well pair MW- 1 and existing shallow well MW-2 may be included in the monitoring program if it can be demonstrated that these locations meet the above criteria. Well pair MW-20 is not appropriate for this monitoring program because it is located west of Coyote Creek and has provided anomalous data in the past.

The wells shall be monitored on an annual basis. Monitoring shall consist of the measurement of static water levels, purging of the wells, and collection of representative groundwater samples. Water-level measurement, purging, and sample collection are to be conducted in accordance with the standards of practice in common use at the time each monitoring event is conducted. The water samples shall be analyzed for perchlorate, VOCs, dissolved metals, and general minerals using applicable US EPA analytical methods and protocols at an analytical laboratory certified by the state of California to conduct these analyses.

A monitoring report shall be submitted to RWQCB and to the County within 90 days after completing the field sampling. Each monitoring report shall include a narrative description of the work conducted and the findings, along with tabular presentation of the current and past water level and analytical data. Each report shall also include a hydrograph or hydrographs showing the groundwater elevations for each monitoring well. A trend plot or plots shall also be included for TDS, arsenic, selenium, and boron concentrations in each well, and for any wells in which perchlorate and/or any VOCs are detected.

If VOCs and/or perchlorate are detected in any well, then the RWQCB and County shall be notified promptly and verification sampling shall be conducted for that well. The well should be re-sampled within 60 days of receipt of the original laboratory results and analyzed only for the analyte of concern (e.g. TCE). If the resampling does not verify the detection, no further action shall be required for that annual monitoring period. If the resampling does verify the detection, then further action is warranted. If a detection of a VOC or perchlorate is verified in a well, then the monitoring frequency of that well shall be increased to quarterly. If the quarterly data indicate that the contaminant concentrations are increasing over time, then further evaluation and action shall be required. The applicant's Certified Hydrogeologist shall prepare an analysis to assess whether additional monitoring wells should be installed between the quarry and the well of concern. This assessment shall also include the identification of a means to monitor whether contaminated groundwater is seeping into the quarry. Potentially applicable approaches may include monitoring wells installed at the edge of the quarry adjacent to known groundwater seeps, collection of water directly from seeps, or installation of a monitoring sump that collects water from one or several seeps.

If contaminated groundwater is found to be entering the quarry, then a remedial action plan shall be prepared to address the potential impacts and exposure pathways related to the presence of contaminated groundwater in the quarry. Potentially

applicable remediation approaches may include source removal (e.g. excavation and removal of bedrock material and groundwater in the Area 41 VOC and perchlorate source regions), extraction and treatment of contaminated groundwater upgradient (north) of the quarry to prevent contaminated groundwater from flowing into the quarry, in situ treatment methods upgradient of the quarry to remove the contaminants before they reach the quarry, or treatment within the quarry (e.g. biofilters, engineered wetland treatment units).

d.i. Potential Significant Impact:

**Impact 3.8-9:** Project Reclamation Could Cause the Accumulation of Groundwater Containing Elevated Levels of Metals and Salts in the Quarry Pit.

d.ii. Facts in Support of Finding:

**Mitigation Measure 3.8-4** - The maximum depth of mining will extend to an elevation of 165 ft msl. Within the western part of the quarry footprint, the deepest monitoring wells extend to approximately 200 ft msl. Within the central part of the quarry footprint, the deepest monitoring wells extend to approximately 250 ft msl. Within the southeastern part of the quarry footprint, adjacent to Carson Creek, the deepest monitoring wells extend to approximately 270 ft msl. Prior to mining below these elevations, the applicant shall conduct a groundwater evaluation to verify that the rate at which groundwater may enter the quarry during mining and after reclamation is consistent with the Reclamation Plan.

The groundwater evaluation may be conducted using either of the methods described below, to be selected by the applicant. In the first method, if selected by the applicant, the groundwater evaluation must be completed prior to mining below a specified depth in the quarry. The applicant shall retain a qualified California-licensed Certified Hydrogeologist to design and implement a monitoring well installation and aquifer testing program. The applicant shall submit the name and qualifications of the selected Certified Hydrogeologist to the County, along with a work plan describing the field methodology, the data to be collected, and the reporting schedule. This program shall include the installation of an appropriate number of monitoring wells, extending to an elevation of 150 ft msl or deeper. The wells shall be located based on the observed trends and locations of fractures, joints, quartz veins, and bedding planes/geologic contacts. Particular attention should be given to features that may intersect Carson Creek near the southeast corner of the quarry, or Coyote Creek, near the northwest corner of the quarry. The wells shall be installed and developed in accordance with standard practice and state guidelines.

Step-drawdown tests shall be conducted in each well to determine the sustainable pumping rate at each location. After conducting the step-drawdown tests, long-term (minimum 72 hours) aquifer-pumping tests shall be conducted in at least three to four monitoring wells. The wells selected for the aquifer-pumping tests shall be based on the results of the step drawdown test data. Water-quality samples shall be collected from each pumping well prior to, during, and at the conclusion of each aquifer pumping test. The samples shall be analyzed for general minerals and metals, consistent with the analytes previously reported for the Project (Luhdorff & Scalmanini, 2005).

The Certified Hydrogeologist shall prepare a report describing the field methodology, well construction details, step-drawdown test results, aquifer-pumping test results, and water-quality data. The report must certify that the data

collected are consistent with the Reclamation Plan and that there is not any indication of significant deviation from the data and assumptions used in this EIR. This report must be completed and submitted to the County for review and approval prior to mining below an elevation of 270 ft msl at any location within the quarry. If the data do not allow such a certification to be made by a qualified, state-licensed professional, then the applicant shall revise the Reclamation Plan to be consistent with the new aquifer test and water-quality data, and obtain approval of the Revised Reclamation Plan prior to mining below an elevation of 270 ft msl at any location within the quarry.

The second evaluation method, if selected by the applicant, would be conducted concurrently with mining. This evaluation shall be conducted by a qualified California-licensed Certified Hydrogeologist. As mining proceeds below 270 ft msl in the southeastern part of the quarry, 250 ft msl in the central part of the quarry, and/or 200 ft msl in the western part of the quarry, specific monitoring and evaluations shall be conducted prior to each blasting event. At least two weeks prior to each blasting event, a minimum of two boreholes shall be drilled on the bench area to be blasted to depths that are at least 20 feet deeper than the projected elevation of the bottom of the bench to be blasted (i.e. at least 20 feet deeper than the anticipated mining elevation after the blast is conducted). The presence and depth to groundwater in each of the two boreholes shall be measured and recorded no sooner than five days, but no more than seven days, after the boreholes are drilled.

If groundwater is present in a borehole, a step-drawdown test shall be conducted in that borehole. If the sustainable production rate is greater than 2 gpm, then a minimum 72-hr aquifer-pumping test must be conducted in that borehole. Water-quality samples shall be collected from each pumped borehole prior to, during, and at the conclusion of any aquifer pumping test, and submitted to an analytical laboratory for analysis of general minerals and metals. The results must be submitted to the County along with a certification that the data collected are consistent with the Reclamation Plan and that there is not any indication of significant deviation from the data and assumptions used in this EIR prior to completing each blast below the elevations prescribed above. If the data do not allow such a certification to be made by a qualified, state-licensed professional, then the applicant shall revise the Reclamation Plan to be consistent with the new aquifer test and water-quality data, and obtain approval of the Revised Reclamation Plan prior to mining at any greater depths or any additional blasting.

If either groundwater evaluation method, described above, produces data that are not consistent with the data and assumptions used in preparing the current Reclamation Plan and this EIR, then the Reclamation Plan shall be revised to address deviations in anticipated groundwater inflows into the quarry or deviations in groundwater quality. The County shall be notified immediately at the time such information becomes known by the applicant.

e.i. Potential Significant Impact:

**Impact 3.8-16:** The Project, in Combination with Other Cumulative Development, Could Adversely Impact Surrounding Waterways.

e.ii. Facts in Support of Finding:

Same as Mitigation Measures 3.8-1 through 3.8-4 (see above).

f.i. Potential Significant Impact:

**Impact 3.8-17:** The Project, in Combination with Other Cumulative Development, May Degrade Water Quality.

f.ii. Facts in Support of Finding:

Same as Mitigation Measures 3.8-2a through 3.8-2c (see above).

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, Title 14, section 15091, subd.(a)(2).)

*There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

**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 or supply impacts. (California Code of Regulations, Title 14, section 15096, subd. (h).)

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### 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](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Permittee, 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. **(See your Order for specific reports required for your Project)**
  - **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: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov) and cc: [Daniel.Warner@waterboards.ca.gov](mailto:Daniel.Warner@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Daniel Warner; Reg. Measure ID: 418287\_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:** Date of Order issuance.

### 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 (NAD83) 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**

<b>Project:</b>	Teichert Quarry Project		
<b>Permittee:</b>	Teichert Aggregates		
<b>Reg. Meas. ID:</b>	418287	<b>Place ID:</b>	843077
<b>Order Effective Date:</b>	27 September 2018		
<b>Order Expiration Date:</b>	27 September 2023		

**Report Type Submitted**

**Part A – Project Reporting**

- |               |   |
|---------------|---|
| Report Type 1 | <input type="checkbox"/> Monthly Report |
| Report Type 2 | <input type="checkbox"/> Annual Report  |

**Part B - Project Status Notifications**

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

**Part C - Conditional Notifications and Reports**

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

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

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT 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**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 1st day of each month until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> 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 (BMPs<sup>12</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> 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.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> <li><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</li> </ol> </li> </ol>

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

<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the 1st day of October. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.</li> </ol>
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>

<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<p><b>*If not applicable report N/A.</b></p> <p><b>Part A. Permittee Responsible</b></p> <ol style="list-style-type: none"><li>1. Planned date of initiation of compensatory mitigation site installation.</li><li>2. If installation is in progress, a map of what has been completed to date.</li><li>3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.</li></ol> <p><b>Part B. Mitigation Bank or In-Lieu Fee</b></p> <ol style="list-style-type: none"><li>1. Status or proof of purchase of credit types and quantities.</li><li>2. Include the name of bank/ILF Program and contact information.</li><li>3. If ILF, location of project and type if known.</li></ol>

**Part B – Project Status Notifications**

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

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

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	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.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>

	<p>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> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <p>1. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</p> <p>2. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</p> <p>3. Pre- and post-photo documentation of all compensatory mitigation sites.</p> <p>4. Final maps of all compensatory mitigation areas (including buffers).</p> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <p>1. Date of storm water Notice of Termination(s), if applicable.</p> <p>2. Report status and functionality of all post-construction BMPs.</p>
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**Part C – Conditional Notifications and Reports**

<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	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.
<b>Report Contents</b>	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.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	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.
<b>When to Submit</b>	Seven (7) days 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.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	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.
<b>When to Submit</b>	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.
<b>Report Contents</b>	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.

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>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"> <li>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</li> <li>b. responsibility for compliance with any long-term BMP<sup>13</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>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.</li> </ol>

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

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

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## 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."

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## 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 XIV.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 verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 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).