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## Central Valley Regional Water Quality Control Board

2 August 2018

John Griffin  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

CERTIFIED MAIL  
91 7199 9991 7035 8421 2745

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE SHED C CHANNEL IMPROVEMENT PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00738)**

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Patrick Pulupa. This Order is issued to the City of Elk Grove for the Shed C Channel Improvement Project (Project). Attachments A through F of the Enclosure are also part of the Order.

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

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

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

If you require further assistance, please contact me by phone at (916) 464-4709 or by email at [Greg.Hendricks@waterboards.ca.gov](mailto:Greg.Hendricks@waterboards.ca.gov). You may also contact Stephanie Tadlock, Unit Supervisor, by phone at (916) 464-4644 or by email at [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

*Original Signed By:*

Greg Hendricks  
Environmental Scientist  
401 Water Quality Certification Unit

Enclosures (1): Order for the Shed C Channel Improvement Project

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

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Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 2 August 2018
Expiration Date: 1 August 2023
Program Type: Fill/Excavation

Reg. Meas. ID: 420533
Place ID: 846165
WDID: 5A34CR00786
USACOE#: SPK-2015-00183
Individual Permit

Project Type: Channel Construction and Maintenance

Project: Shed C Channel Improvement Project (Project)

Applicant: City of Elk Grove
Applicant Contact: John Griffin
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If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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- Attachment A** Project Map
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
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**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the City of Elk Grove (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 26 March 2018. The application was deemed complete on 2 May 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 30 March 2018 to 27 April 2018. The Central Valley Water Board did not receive any comments during the comment period. Public notice regarding the Environmental Impact Report is described in Attachment C, CEQA Findings of Fact.

**III. Project Purpose**

The purpose of the Project is to modify the existing Shed C Channel to become a multi-functional drainage corridor with enhanced natural stream and habitat values.

**IV. Project Description**

The 312-acre Project consists of creating an overbank area and low flow channel as a joint floodway, constructing seven detention basins adjacent to the channel, and install box culverts or bridges for pedestrian access associated with future development within the specific plan area. The Project will be completed in three specified reaches: East Reach, West Reach, and Middle Reach.

**V. Project Location**

Address: North of Kammerer Road beginning at the intersection of Bruceville Road and extending east for approximately 2 miles.

County: Sacramento

Nearest City: Elk Grove

Section 10, 11, 12, 13, 14, & 15, Township 6 North, Range 5 East, MDB&M.

Latitude: 38.373666° N and Longitude: 121.412617° W

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

**VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised July 2016 (Basin Plan). The Basin Plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](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**

### Shed C Channel Improvement Project - East Reach

The Shed C Channel Improvement Project-East Reach (East Reach) starts at the upstream end of the existing Shed C and ends at the future Big Horn Boulevard Extension. These boundaries represent independent utility and logical termini within the overall Southeast Policy Area (SEPA) as they are within the confines of the only approved development within the SEPA and along the boundaries of two planned arterial roadways (Lotz Parkway on the east and Big Horn Boulevard on the west). All improvements between these two ends are included within the Project as described here.

In its final form, the East Reach will widen the narrow existing Shed C Channel to full bank width (FBW) of approximately 170 feet. The low flow channel will be approximately 30 feet wide FBW and will meander through an approximately 125 foot overbank area. A 40-foot maintenance and trail system will be constructed on both sides of the Channel where the overbank area reaches grade (with 3:1 slopes). Three bridge/culvert crossings are included, one pedestrian/trail crossing and two road crossings.

Four permanent and four interim detention basins will be constructed as an element of the Project to attenuate interim and permanent flows. Outfalls to the new Channel will be associated with each permanent detention basin. These basins are anticipated to provide wetland and wildlife value. In the interim condition (before the Middle Reach is constructed) flows will be pumped from the western most detention facility (Permanent Detention Basin S3) back into the existing Channel to flow through the remainder of the existing Shed C Channel.

During the construction of the Middle Reach, three 10-foot by 5-foot box culverts will be placed under the future Big Horn Boulevard; connecting the East Reach and the Middle Reach. The pump will be removed, and attenuated flows from Permanent Detention Basin S3 will be released into the Middle Reach through the 54-inch culvert outfall.

Temporary fill may occur at the upstream end of the East Reach where it intersects with the Sterling Meadows, a 12-foot long earthen dam will be constructed within the existing channel and a bypass channel may be constructed around the work area.

### Shed C Channel Improvement Project - Middle Reach

The Shed C Channel Improvement Project-Middle Reach (Middle Reach) starts at the future Big Horn Boulevard and extends west approximately 0.5 mile. The Middle Reach will replace the existing Channel segment with a newly aligned segment. The new reach will be approximately 0.5-mile long with an average FBW of 235 feet. The low flow channel will be

approximately 42 feet wide and will meander through a 207-foot wide overbank area. A 40-foot maintenance and trail system will be constructed where the overbank area reaches grade (with 3:1 slopes).

The Middle Reach will tie into the East Reach at the future Big Horn Boulevard with a triple 10-foot by 5-foot box culvert that will lie below Big Horn Boulevard. The western limits of the Channel will connect with West Reach.

Temporary fill may be placed where the existing channel intersects with the proposed new East Reach at the upstream end of the Middle Reach. At the upstream end of the Middle Reach Channel where it intersects with the existing Channel, an earthen dam will hold water in the existing Channel and a bypass channel may be constructed around the work area. To prevent flows in the Channel from entering the construction area, the existing Channel will be dammed with earth and a bypass channel may be constructed around the work area. This earth dam is estimated to be 12 feet long with an area of 0.003 acres (approximately 3 cubic yards).

#### Shed C Channel Improvement Project - West Reach

The Shed C Channel Improvement Project-West Reach (West Reach) starts at Bruceville Road and extends east approximately 0.5 mile. The West Reach will replace the existing Shed C Channel segment with a newly aligned segment. The new reach will be approximately 0.25-miles long with an average RBW of 235. The low flow channel will be approximately 42 feet wide and will meander through a 207-foot wide overbank area. A 40-foot maintenance and trail system will be constructed where the overbank area reaches grade (with 3:1 slopes).

The Laguna Ridge Channel will replace a north-south agricultural ditch. The Laguna Ridge Channel will carry storm flows from the Laguna Ridge Project in the north and discharge flows directly into the new West Reach. The Laguna Ridge Channel will mirror the design of the new West Reach though the FBW will be 50 feet.

The West Reach is designed to have three detention basins adjacent to the new Channel and four outfalls into the new channel. The detention basins will provide storm flow wetland and wildlife value. Three of the outfalls will be associated with detention facilities and will allow discharge from the basins into the new Channel, with purposes similar to the East Reach. The fourth outfall will allow treated storm water to discharge to the new Channel. The West Reach will also include the placement of a new culvert in the Laguna Ridge Channel as the Channel is being created and the existing culvert at Bruceville Road will be replaced. The existing culvert under Bruceville Road will be removed and a new culvert placed immediately south to create a necessary connection of the newly aligned Channel to the downstream reach. A second culvert will connect flows from the existing Middle Reach to the West Reach. The spoils from the excavation of the new Channel will be spread out across the Project Area; including the onsite ditches and the existing Shed C Channel in the Project area. These grade alterations along with the current Channel realignment will allow more efficient storm water flow into the new West Reach. Currently, the Channel frequently floods at Bruceville Road due to the sharp turn of the creek. The Project will diminish the curve to reduce the potential for roadway flooding.

There will be two pedestrian crossings within the Laguna Ridge Channel will be constructed simultaneously.

Additional infrastructure will be constructed during the construction of new Channels to minimize any disturbance after revegetation has occurred. This includes two pedestrian crossings.

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

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

<b>Table 1: 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>		
	<b>Acres</b>	<b>CY<sup>2</sup></b>	<b>LF<sup>2</sup></b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>
Wetland	-	-	-	3.30	-	-	-	-	-
Stream Channel	-	-	-	9.59	-	14,900	-	-	-
<b>Total</b>	-	-	-	<b>12.89</b>	-	<b>14,900</b>	-	-	-

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

**IX. Avoidance and Minimization**

According to the Permittee, the following avoidance and minimization measures will be in place during construction activities to avoid and minimize impacts to water quality:

- **BIO-1:** Construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and all operations will be confined to the minimal area necessary.
- **BIO-2:** Work shall coincide with the driest time. If water is present at the time of construction, water shall be diverted around the work area and work shall resume after the site is dry. Work within the dewatered areas shall be timed with awareness of precipitation forecasts and likely increases in water flows and flood stages. Construction activities within jurisdictional features shall cease prior to storm events until all reasonable erosion control measures have been implemented. Construction equipment and material shall be removed from the floodplain if inundation is likely. Revegetation, restoration, and erosion control work shall not be confined to this time period.

<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)

- **BIO-3:** If work in the wetted portion of the jurisdictional features is unavoidable, the entire flow shall be diverted around or through the work area during excavation and/or construction operations. Flows shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. When a temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Fish and Wildlife Code Section 5937. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel that will cause little or no siltation.
- **BIO-4:** Prior to initiation of construction activities within jurisdictional features, construction best management practices (BMPs) shall be employed onsite to prevent degradation to onsite and offsite waters of the United States. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering jurisdictional features, as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. All erosion control methods shall be maintained until all onsite soils are stabilized.
- **BIO-5:** Standard staging area practices for sediment-tracking reduction shall be implemented where necessary and may include vehicle washing and street sweeping.
- **BIO-6:** All exposed/disturbed areas and access points left barren of vegetation as a result of construction activities shall be restored using locally native grass seeds, locally native grass plugs, and/or a mix of quick-growing sterile non-native grass with locally native grass seeds. Seeded areas shall be covered with broadcast straw and/or jute netted (monofilament erosion blankets are not permitted).
- **BIO-7:** Protective silt fencing will be installed between the adjacent vernal pool habitats and the construction area limits to prevent accidental disturbance during construction and to protect water quality within the aquatic habitats during construction.
- **BIO-8:** A Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of sensitive habitats near the project area and to instruct them on proper avoidance measures.
- **BIO-10:** Twenty-four hours prior to the commencement of construction activities, the project area shall be surveyed for giant garter snake by a qualified biologist. The biologist will provide the United States Fish and Wildlife Service (USFWS) with a written report that adequately documents the monitoring efforts within 24 hours of commencement of construction activities. The project area shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or greater has occurred.

- **BIO-11:** Project-related vehicles will observe a 20-mile-per-hour speed limit within construction areas, except on existing paved roads where they will adhere to the posted speed limits.
- **BIO-12:** If clearing and/or construction activities would occur during the raptor nesting season (15 January–15 August), preconstruction surveys to identify active nests shall be conducted by a qualified biologist within 14 days of construction initiation. Surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 500-foot buffer (if feasible). If no active nests are found, no further mitigation is required. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.
- **BIO-13:** If an active nest is located during preconstruction surveys, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is deemed inactive by a qualified biologist. Restrictions shall include establishment of exclusion zones (no ingress of personnel or equipment) at a minimum radius of 500 feet around an active Swainson's hawk nest, 100 feet around an active raptor nest, and 50 feet around an active migratory bird nest. Activities permitted within exclusion zones and the size may be adjusted through consultation with the California Department of Fish and Wildlife (CDFW) and/or the Permittee.
- **BIO-14:** Trees containing active migratory bird and/or raptor (excluding Swainson's hawk) nests that must be removed as a result of project implementation shall be removed during the nonbreeding season (1 September–1 January). Swainson's hawks are state and federally listed as threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from the CDFW prior to removal.
- **BIO-15:** The Permittee shall mitigate for the permanent loss of Swainson's hawk foraging habitat at a 1:1 ratio. Mitigation can be accomplished through participation in the City of Elk Grove Swainson's Hawk Impact Mitigation Fees Ordinance or other method acceptable to the CDFW.

#### **X. Compensatory Mitigation**

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

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

On 9 July 2014, the City of Elk Grove, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2013042054) for the Project and filed a Notice of Determination (NOD) at the SCH on 15 July 2014. 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**

The application fee in the amount of \$1,500.00 was received in multiple payments, as shown in Table 2:

Date Received	Amount
26 October 2017	\$200.00
18 December 2017	\$200.00
23 February 2018	\$200.00
1 March 2018	\$400.00
4 April 2018	\$500.00

The remaining fee of \$128,500.00 was received on 12 July 2018.

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

**XIV. Conditions**

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

**A. Authorization**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

**B. Reporting and Notification Requirements**

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

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

**1. Project Reporting**

- a. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the

submission of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

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

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

## 2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities which includes the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<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>**

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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  
*(footnote continued on next page)*

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
    - first call – 911 (to notify local response agency)
    - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
    - Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
  - ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
  - iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
  - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project**

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*(footnote continued from previous page)*

released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

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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.

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

**2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

**3. In-Water Work or Diversions:**

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause turbidity increases in surface water to exceed:
  - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

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

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<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.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.d.

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

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

**D. Standard**

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

4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

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

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement.** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance

activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

**F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

## **G. Construction**

### **1. Dewatering**

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

### **2. Directional Drilling – NOT APPLICABLE**

### **3. Dredging – NOT APPLICABLE**

### **4. Fugitive Dust – NOT APPLICABLE**

### **5. Good Site Management “Housekeeping”**

- a.** The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b.** Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway.

The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

- c. All materials resulting from the Project shall be removed from the site and disposed of properly.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

## **6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. Creosote-treated wood products or any other treated wood products that are highly flammable or toxic to aquatic life shall not be installed in waters of the state.

## **7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE**

## **8. In-Water Work**

- a. Work in the streambed shall occur during periods of no precipitation and when the work area has been completely dewatered.

## **9. Post-Construction Storm Water Management**

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
  - i. Minimize the amount of impervious surface;
  - ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;
  - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);



Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated  
9 July 1999.

**13. Stabilization/Erosion Control**

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

**14. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and
  - ii. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

**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>7</sup>**

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

**1. Compensatory Mitigation Plan**

- a. The Permittee has submitted a draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance 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 acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.
- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR § 230.94(c)
- c. 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 § 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>7</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

**2. Irrevocable Letter of Credit – NOT APPLICABLE**

**3. Permittee-Responsible Compensatory Mitigation Responsibility**

- a. Permittee responsible compensatory mitigation installation shall be completed within 90 days 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 met:
  - i. Performance standards are met.
  - ii. A Transfer Agreement to a third party has been approved by Central Valley Water Board staff.
  - iii. An endowment fund has been provided by the Permittee 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 approved by Central Valley Water Board staff.
- c. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility
  - i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Central Valley Water Board staff. This 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).
  - ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Central Valley Water Board staff. A draft transfer agreement is due to Central Valley Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Central Valley Water Board staff within 30 days of the completion of the transfer.

**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 start of construction.
- 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 stream channel habitat by restoring 11.95 acres/11,560 linear feet of the impacted creek..
- b. The Permittee is required to provide compensatory mitigation for the authorized impact to seasonal wetlands by purchasing 3.3 acres of floodplain mosaic wetland creation credits.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

<b>Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area</b>								
Aquatic Resource Type	Comp Mit. Type <sup>8</sup>	Units	Method <sup>9</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres	-	11.95	-	-	-	-
Wetland	MB	Acres	3.3	-	-	-	-	-

**L. Certification Deviation**

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

<sup>8</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>9</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.

**XV. Water Quality Certification**

I hereby issue the Order for the Shed C Channel Improvement Project, (WDID#5A34CR0738) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

*Original Signed By Adam Laputz for:*

*8.1.18*

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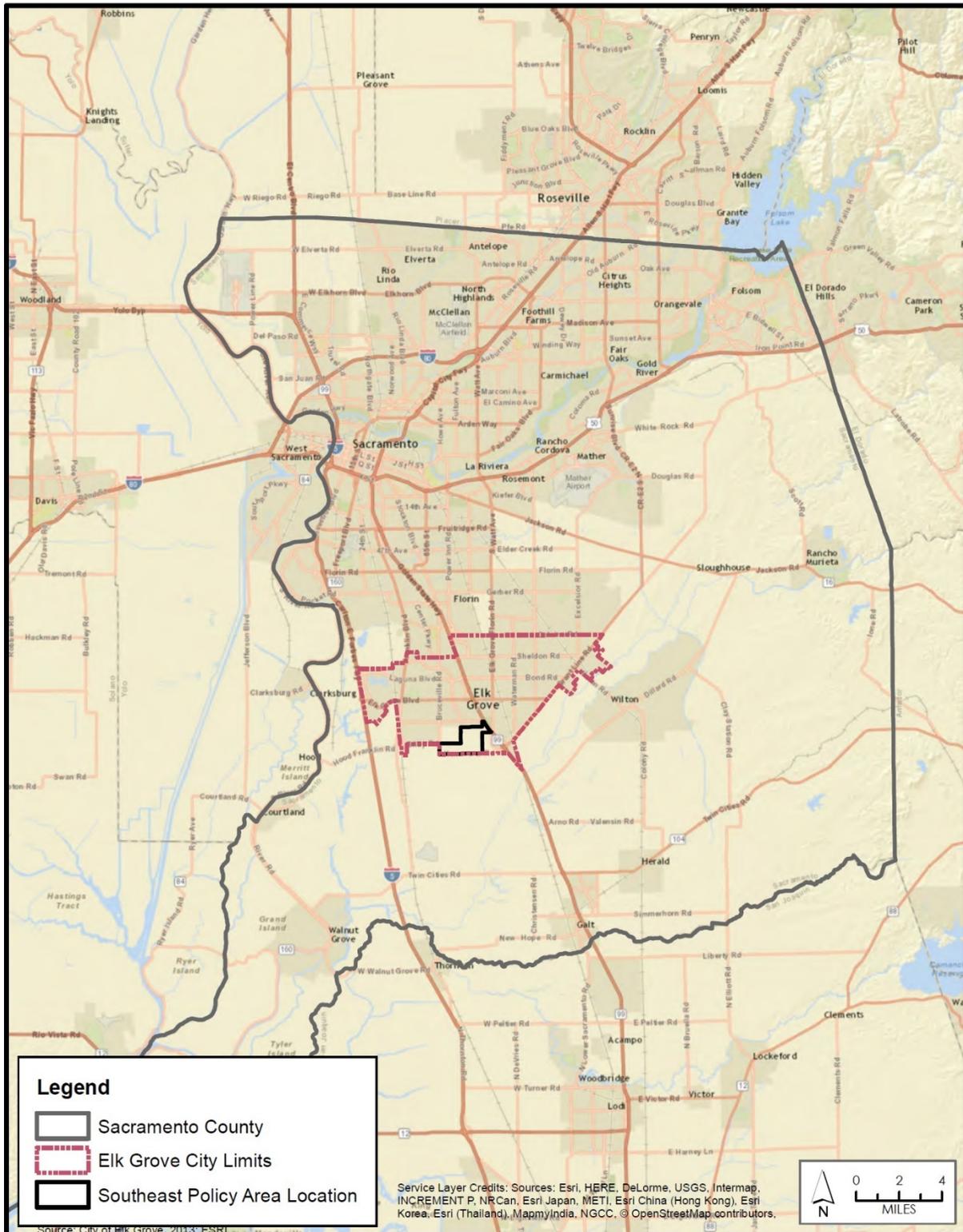
Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

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Date

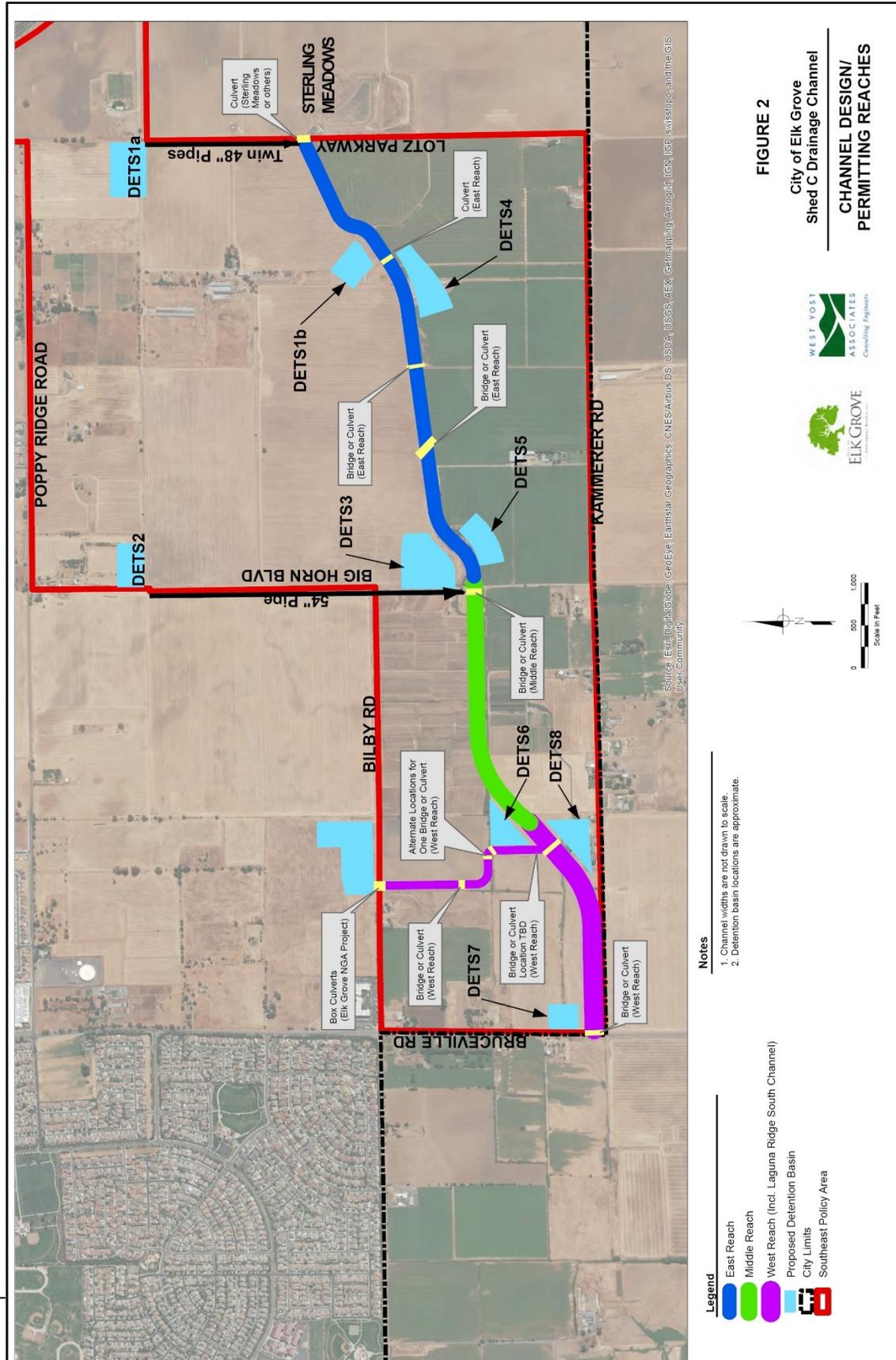
- Attachment A** Project Map
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Report and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviation Procedures





City of Elk Grove  
Public Works Department

**Figure 1**  
Regional Vicinity





**Receiving Waters**

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

<b>Table 1: Receiving Water(s) Information</b>								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>10</sup>
<input type="checkbox"/>	Intermittent Channel	Upper Reach of Shed C Channel	Intermittent creek	519.12	Shed C Channel	N/A	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
1. Intermittent Channel	38.373666°N	121.412617°W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	12.89	-	14,900

<sup>10</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

### Compensatory Mitigation Information

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

#### Permittee Responsible Compensatory Mitigation Site Information

<b>Table 3: Onsite Permittee Responsible Compensatory Mitigation<sup>11</sup></b>					
Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Quantity	
				Acres	Linear Feet
Intermittent Channel	38° 22' 21.83" N to 38° 22' 53.29" N	121° 25' 02.61" W to 121° 22' 51.50" W	Intermittent Creek	11.95	11,560

#### Mitigation Bank Compensatory Mitigation Site Information

<b>Table 3: Mitigation Bank</b>			
Mitigation Bank	Name:	Cosumnes Floodplain Mitigation Bank	
	Website:	<a href="http://www.wesmitigation.com/cosumnes-floodplain-mitigation-bank/">http://www.wesmitigation.com/cosumnes-floodplain-mitigation-bank/</a>	
Contact Information	Name:	Travis Hemmen/Sarah Correa	
	Phone:	(916) 646-3644	
	Email:	themmen@westervelt.com/scorrea@westervelt.com	
Mitigation Location	County:	Sacramento	
	Latitude:	38° 15' 21.61" N	
	Longitude:	121° 25' 31.79" W	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Floodplain mosaic habitat	3.3	-	-

<sup>11</sup> Mitigation site is analyzed in the Project CEQA document.



## A. Environmental Review

On 9 July 2014, the City of Elk Grove, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2013042054) for the Project and filed a Notice of Determination (NOD) at the SCH on 15 July 2014. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the City of Elk Grove's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Elk Grove addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Elk Grove for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 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.

The Program Environmental Impact Report (EIR), which includes analyses of broad impacts and serves as a first tier document for the FEIR, is available at: [Insert link or physical location to EIR]

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: City of Elk Grove, 8401 Laguna Palms Way, Elk Grove, CA 95758.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

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

## C. Findings

The 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. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 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: Implementation of Project-related activities could result in impacts, either directly or through habitat modification, to vernal pool fairy shrimp and/or vernal pool tadpole shrimp; Implementation of Project-related activities could result in substantial adverse effects, either directly or through habitat

modifications, to foraging and nesting Swainson's hawk, nesting white-tailed kites, and other protected raptor species;

a.ii. Facts in Support of Finding:

**MM 5.4.2** If it is determined that listed vernal pool branchiopods are present, the following mitigation is required. For every acre of vernal pool habitat directly affected, project applicants shall replace the affected acreage at a 1:1 ratio (1-acre creation for each acre of impact) through the dedication of vernal pool creation credit(s) within a United States Fish and Wildlife Service (USFWS)-approved mitigation bank or through creation/restoration of vernal pool habitat as part of a USFWS-approved mitigation plan. Vernal pool creation shall not occur within 250 feet of extant vernal pools unless specifically approved by the USFWS.

For every acre of vernal pool habitat directly and indirectly affected, the project applicant shall replace the affected acreage at a 2:1 ratio (2 acres of preservation for every 1 acre of impact) through the dedication of vernal pool preservation credit(s) within a USFWS-approved mitigation bank or preserved on- or off-site as part of a USFWS-approved mitigation plan. Other conservation measures may be required by the USFWS.

**MM 5.4.7c** Trees containing white-tailed kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (1 September – 1 January). Swainson's hawks are state listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from the California Department of Fish and Wildlife (CDFW) prior to removal.

**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. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, §§ 15096, subd. (i).)



### 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 Applicant, Date, and Subject headers.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Greg.Hendricks@waterboards.ca.gov](mailto:Greg.Hendricks@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Greg Hendricks; Reg. Measure ID: 420533\_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:** 2 August 2018

### Map/Photo Documentation Information

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

1. **Map Format Information:**

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

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

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

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Shed C Channel Improvement Project		
<b>Permittee:</b>	City of Elk Grove		
<b>Reg. Meas. ID:</b>	420533	<b>Place ID:</b>	846165
<b>WDID:</b>	5A34CR00738	<b>Construction Storm Water General Permit WDID#:</b>	_____
<b>Order Effective Date:</b>	2 August 2018		
<b>Order Expiration Date:</b>	1 August 2023		

**Report Type Submitted**

**Part A – Project Reporting**

- Report Type 1       Monthly Report # \_\_\_\_\_  
 Report Type 2       Annual Report # \_\_\_\_\_

**Part B - Project Status Notifications**

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

**Part C - Conditional Notifications and Reports**

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

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

Print Name <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 beginning the month after the submittal of the Commencement of Construction Notification 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. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> </ol> </li> </ol>

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

	<p><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.</p>
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<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 September starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<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>

<b>Part B – Project Status Notifications</b>
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<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> <li>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.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>

**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>	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<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.



## SIGNATORY REQUIREMENTS

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

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

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



## Certification Deviation Procedures

### Introduction

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

### Process Steps

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

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

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

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

Post-Discharge Certification Deviation Reporting:

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

Annual Summary Deviation Report:

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