



Central Valley Regional Water Quality Control Board

21 May 2019

Doug Lange
California Department of Transportation –
District 3
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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE CALTRANS BRIDGE SCOUR MITIGATION – AMERICAN RIVER PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00758)

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 California Department of Transportation – District 3 for the Caltrans Bridge Scour Mitigation – American River 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 California Department of Transportation – District 3 for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

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

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

If you require further assistance, please contact me by phone at (916) 464-4812 or by email at Jordan.Hensley@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.

Original Signed By:

Jordan Hensley
Environmental Scientist
401 Water Quality Certification Unit

Enclosures (1): Order for Caltrans Bridge Scour Mitigation – American River 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: 21 May 2019	Reg. Meas. ID: 428134
Expiration Date: 20 May 2024	Place ID: 854968
Program Type: Fill/Excavation	WDID: 5A34CR00758
	USACE No.: SPK-2018-00944
	NWP #3
Project Type: Roads, Highways and Bridges	
Project: Caltrans Bridge Scour Mitigation - American River Project (Project)	
Applicant: California Department of Transportation – District 3	
Applicant Contact: Doug Lange Project Manager California Department of Transportation – District 3 703 B Street Marysville, CA 95901 Phone: (530) 741-4465 Email: Doug.Lange@dot.ca.gov	
Applicant's Agent: Michele Lukkarila California Department of Transportation – District 3 703 B Street Marysville, CA 95901 Phone: (530) 741-4239 Email: Michele.Lukkarila@dot.ca.gov	
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Water Board Contact Person: If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.	

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of California Department of Transportation – District 3 (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 17 December 2018. The application was deemed complete on 15 January 2019.

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

Table 1 Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
20 December 2018	11 January 2019

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 21 December 2018 to 11 January 2019. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to replace and rebuild rock slope protection around the bridge piers to mitigate for continuing scour.

IV. Project Description

The 0.46-acre Project consists of constructing a temporary trestle, removing existing rock slope protection from each pier, then placing filter fabric and rock slope protection around each pier.

V. Project Location

Address: Approximately 1.61 miles north-east of Downtown Sacramento and approximately 5.08 miles west of Arden-Arcade in Sacramento along State Route 160.

County: Sacramento

Nearest City: Sacramento

Section 30, Township 09 North, Range 05 East, MDB&M.

Latitude: 38°35'46"N and Longitude: 121°28'34"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, Fifth Edition, revised May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. 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

The temporary trestle structure’s outer perimeter will be approximately 487 feet long, 128 feet wide, and will surround the four bridge piers to allow access of construction equipment to each pier (see Figure 2 in Attachment A). The trestle structure platform will be approximately 30 feet wide, with two removable platform portions to allow the passage of boats during construction. Approximately 306 hollow steel pipe piles will be temporarily installed by pile-driving. The hollow piles will not be dewatered. The steel trestle platforms will be removed from October 15th to July 15th while trestle supporting piles will remain in place until Project activities at each bridge pier are complete. Piles will be removed using a vibratory extractor.

Excavation and placement of rock slope protection around each bridge pier will be accomplished by use of an excavator on the temporary trestle structure.

The Project will permanently impact 0.40 acre/328 linear feet of stream channel habitat from the extraction of approximately 1,398 cubic yards of rock slope protection and placement of approximately 19,747 square feet of filter fabric and 3,950 cubic yards of rock slope protection. Additionally, the Project will temporarily impact 0.02 acre/512 linear feet of stream channel habitat from the placement of approximately 252 cubic yards of steel pipe piles

No 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 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 2: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY ²²	LF ²	Acres	CY	LF	Acres	CY	LF
Stream Channel	0.02	-	512	0.40	-	328	-	-	-

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project due to excavation of displaced rock slope protection downstream of bridge piers.

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

² Cubic Yards (CY); Linear Feet (LF)

IX. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- **Establish Environmentally Sensitive Areas:** Additional direct and indirect impacts to sensitive biological resources throughout the project area will be avoided or minimized by designating these features outside of the construction impact area as “environmentally sensitive areas” (ESAs) on project plans and in project specifications. ESA information will be shown on contract plans and discussed in the Special Provisions. ESA provisions may include, but are not necessarily limited to, the use of temporary orange fencing to identify the proposed limit of work in areas adjacent to sensitive resources or to locate and exclude sensitive resources from potential construction impacts. Contractor encroachment into ESAs will be prohibited (including the staging/operation of heavy equipment or casting of excavated materials). ESA provisions will be implemented as a first order of work and remain in place until all construction activities are complete.
- **Containment Measures / Construction Site Best Management Practices (BMPs):** The Contractor will implement mitigation measures so as to contain construction related material, in manageable locations, and prevent debris from entering surface waters during in water work and for construction operations outside of receiving waters.

BMPs utilized for erosion control will be implemented and in place prior to, during, and after construction to ensure that no silt or sediment enters receiving waters. Areas where a disturbance of soil has occurred will be stabilized appropriately and approved by the Central Valley Water Board staff prior to filing the Notice of Termination. BMPs options and the selected mitigation measures deployed, which relate to in-water work, will be considered, evaluated, and dependent on factors such as field conditions, changes to construction strategies, and regulatory requirements in order to protect the beneficial uses of receiving waters. The project design team may specify BMPs to be utilized during construction in addition to, or in place of, other temporary measures selected by the Contractor.

Compliance with all construction site BMPs, specified in the approved Water Pollution Control Program (WPCP) and any other permit conditions, is mandatory to minimize the introduction of construction related contaminants and sediment to receiving waters. In order to achieve this and reduce the potential for discharge, the Contractor will follow all applicable guidelines and requirements in the 2010 California Department of Transportation (Caltrans) Standard Specifications (2015 CSS), Section 13, regarding water pollution control and general specifications for preventing, controlling, and abating water pollution in streams, waterways, and other bodies of water. Project specific BMPs will address (among other things) soil stabilization, sediment control, wind erosion control, vehicle tracking control, non-storm water management, and waste management practices and will be based on the best conventional and best available technology. Caltrans staff and the Contractor will perform routine inspections of the construction area to verify that field BMPs are properly implemented, maintained, and are operating effectively and as designed. BMPs and mitigation measures selected must meet the standards and objectives to minimize water pollution impacts set forth in the 2015 CSS and will include (but not be limited to) the following:

- Use only equipment in good working order and free of dripping or leaking engine fluids. Conduct any necessary equipment washing where water is prevented from flowing into

Municipal Separate Storm Sewer System (MS4) drainage conveyance systems and receiving waters.

- In case of an accidental spill, an “emergency response plan” will be prepared and submitted to the National Oceanic and Atmospheric Administration (NOAA)-Fisheries and California Department of Fish and Wildlife (CDFW) for review and approval at least 14 days prior to conducting any construction work. A spill prevention control and countermeasures plan will be onsite and in place to handle any topside spills. The plan will include strict onsite handling rules to keep construction and maintenance materials from entering the river, including procedures related to refueling, operating, storing, and staging construction equipment, as well as preventing and responding to spills. The plan also will identify the parties responsible for monitoring the spill response. During construction, any spills will be cleaned up immediately according to the spill prevention and countermeasure plan.
- BMPs for spill containment measures (plastic sheeting, absorbent pads and/or other containment devices) will be utilized during all barge-mounted or trestle-mounted construction activities. BMPs will be deployed around and beneath all over-water or barge-mounted / trestle-mounted construction equipment. Supplemental equipment will be on-site to collect and remove any spills.
- Prevent discharge of turbid water to the Laguna Creek during any construction activities including, but not limited to de-watering activities, by filtering the discharge first using a filter bag, diverting the water to a settling tank or infiltration areas, and/or treating the water in a manner to ensure that discharges conform to the water quality requirements of the waste discharge permit issued by the Central Valley Water Board prior to entering receiving waters.
- **Environmental Awareness Training for Construction Personnel:** Before any work occurs in the project area, including grading and tree removal, Caltrans’ contractors will retain a qualified biologist (familiar with the resources to be protected) to conduct a mandatory contractor/worker environmental awareness training for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) to brief them on the need to avoid effects to sensitive biological resources (e.g., riparian vegetation, wetlands, special-status species, nesting birds, and protected trees) adjacent to construction areas and the penalties for not complying with applicable state and federal laws and permit requirements. The biologist will inform all construction personnel about the life history and habitat requirements of special-status species with potential for occurrence onsite, the importance of maintaining habitat, and the terms and conditions of the biological opinion or other authorizing document (e.g., letter of concurrence). Proof of this instruction will be submitted to the project proponent, and other overseeing agencies (i.e., CDFW, United States Army Corps of Engineers (USACE), and/or Central Valley Water Board), as appropriate.
- The environmental training also will cover general restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological resources during project construction. General restrictions and guidelines that will be followed by construction personnel are listed below:
 - Project-related vehicles will observe the posted speed limit on hard-surfaced roads and a 10 mile-per-hour speed limit on unpaved roads or access areas during travel within the project limits.

- Project-related vehicles and construction equipment will restrict off-road travel to the designated construction area.
- Vegetation clearing and construction operations will be limited to the minimum necessary.
- All food-related trash will be disposed of in closed containers and removed from the project site at least once a week during the construction period. Construction personnel will not feed or otherwise attract wildlife to the project site.
- No pets or firearms will be allowed on the project site.
- To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel will not service vehicles or construction equipment outside designated staging areas.
- The training also will include identifying the BMPs written into construction specifications for avoiding and minimizing the introduction and spread of invasive plants.

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 27 March 2018, the California Department of Transportation – District 3, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2017072043) for the Project and filed a Notice of Determination (NOD) at the SCH on 27 March 2018. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee of \$3,582.00 was received on 17 December 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. An additional fee of \$2,214.00 based on total Project impacts was received on 24 December 2018.

XIV. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

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

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov.

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

1. Project Reporting

- a. **Monthly Reporting** – The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

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

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

2. Project Status Notifications

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

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

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

a. Accidental Discharges of Hazardous Materials⁴

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

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

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

c. In-Water Work and Diversions:

- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Modifications to Project: Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership: This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:

- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance: If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling⁵:

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

- a. when performing any in-water work;
 - b. during the entire duration of temporary surface water diversions;
 - c. in the event that the Project activities result in any materials reaching surface waters; or
 - d. when any activities result in the creation of a visible plume in surface waters.
- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- 3. In-Water Work or Diversions:** During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:
- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
 - b. Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

For Folsom Lake and American River (Folsom Dam to Sacramento River), except for periods of storm runoff, the turbidity shall be less than or equal to 10 NTUs. To the extent of any conflict with the general turbidity objective, the more stringent applies.

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

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality

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

Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and the remaining In-Water Work and Diversion Water Quality Monitoring shall be submitted with the Request for Notice of Completion of Discharges letter. 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 XIII.C.3.b.

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

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

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

D. Standard

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

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

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. **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.

The California Department of Transportation shall comply with their General NPDES Permit Order No 2012-0011-DWQ (NPDES No. CAS 000003) issued by the State Water Resources Control Board.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - 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 or Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of

diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. No dewatering will occur within the Project area.
- 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.
- f. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water.

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust – Not Applicable

5. Good Site Management “Housekeeping”

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

6. Hazardous Materials

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. No wet concrete will be placed into stream channel habitat.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

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

- ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
- iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
- iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads – Not Applicable**10. Sediment Control**

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

11. Special Status Species: Green sturgeon, Central Valley steelhead, Central Valley Spring run Chinook salmon, Western pond turtle, Sacramento splittail.**12. Stabilization/Erosion Control**

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

13. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

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

- 1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities, as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff within 90 days of issuance of this

Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within 120 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

K. Compensatory Mitigation for Permanent Impacts⁸

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 section 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 section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Irrevocable Letter of Credit – Not Applicable

3. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable

4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

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

5. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.40 acre/328 linear feet of stream channel habitat by purchasing mitigation credits from a USACE approved mitigation bank or by purchasing Aquatic Resource Credits from the National Fish and Wildlife Foundation in-lieu fee program, or as required by the USACE, United States Fish and Wildlife Service,

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

and National Marine Fisheries Service. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type ⁹	Units	Method ¹⁰					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	MB or ILF	Acres	-	-	-	-	-	0.40

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 in the Lagoon Creek Bridge and American River Bridge Scour Repair Project Mitigated Negative Declaration such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

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

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

XV. Water Quality Certification

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

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 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 Jim Marshall for:

5/21/2019

Patrick Pulupa
Executive Officer
Central Valley Regional Water Quality Control Board

Date

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

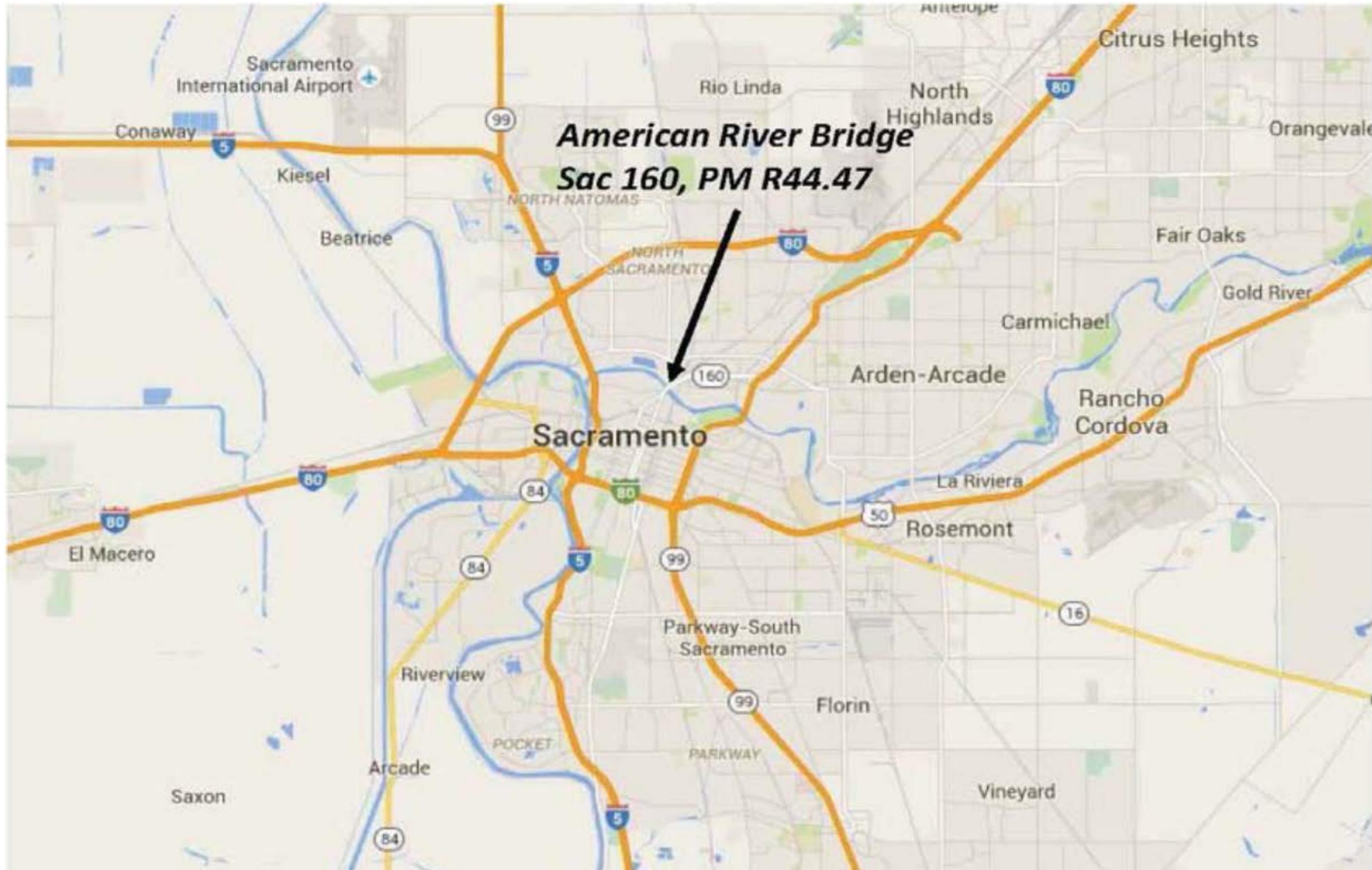


Figure 1 – Project Location Map

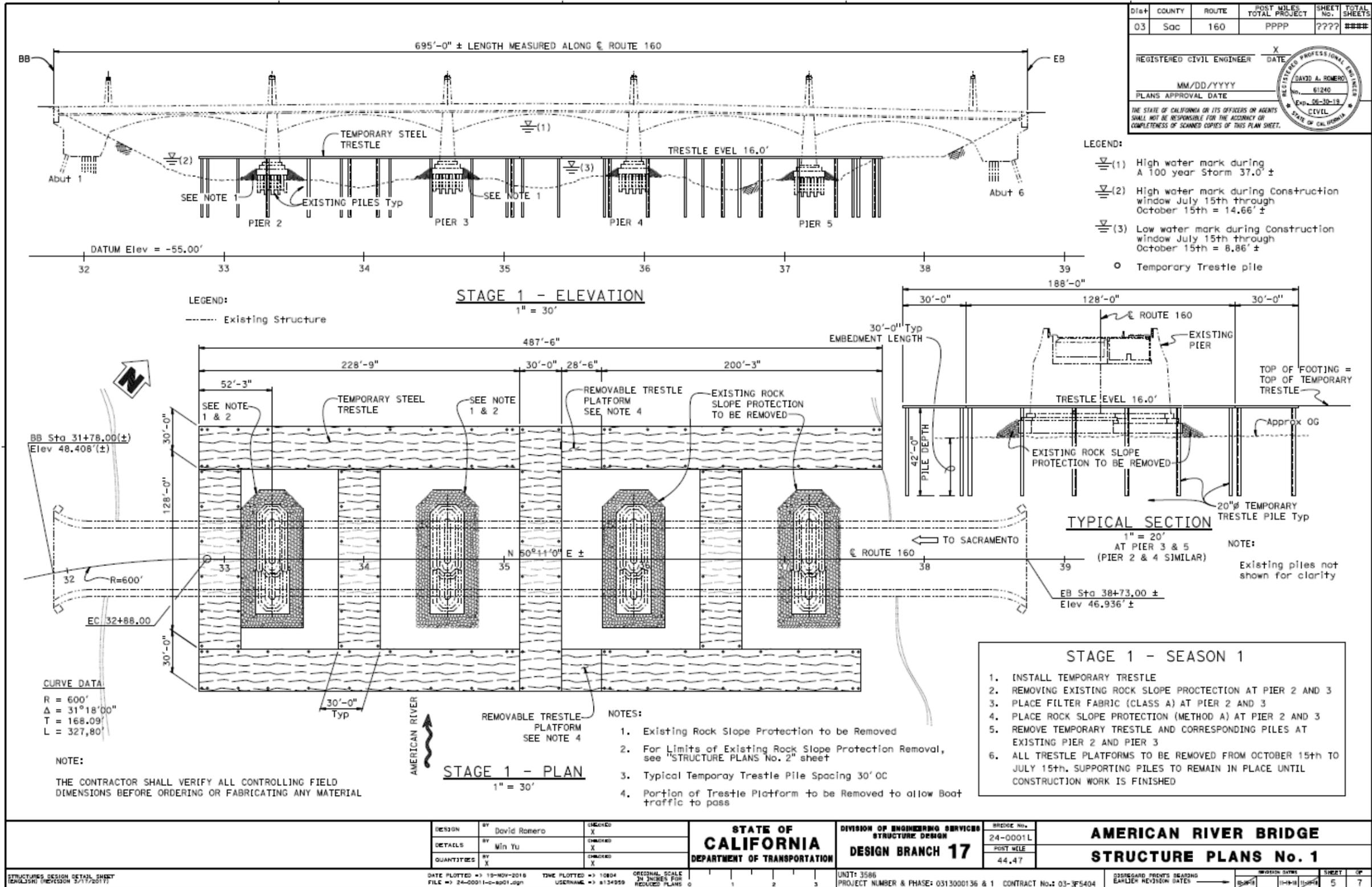


Figure 2 – Site Map

Receiving Waters

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

Table 1: Receiving Water(s) Information							
Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID ¹¹
<i>Streambed</i>	<i>American River</i>	<i>Streambed</i>	<i>519.21</i>	<i>American River: Folsom Dam to Sacramento River</i>	<i>MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD</i>	<i>Bifenthrin, Indicator Bacteria, Mercury, PCBs, Pyrethroids, Toxicity</i>	<i>N/A</i>

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
<i>Streambed</i>	<i>38°35'46"N</i>	<i>121°28'34"W</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Temporary</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>0.02</i>	<i>-</i>	<i>512</i>
					<i>Permanent</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>0.04</i>	<i>-</i>	<i>328</i>

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

Compensatory Mitigation Information

The following tables show options for individual compensatory mitigation information and locations.

Mitigation Bank Compensatory Mitigation Site Information

Table 3: Mitigation Bank			
Mitigation Bank	Name:	TBD	
	Website:	-	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Streambed	0.40	-	TBD

In-Lieu Fee Compensatory Mitigation Information

Table 4: South Sacramento Habitat Conservation Plan			
In-Lieu Fee Program	Name:	National Fish and Wildlife Foundation	
	Website:	https://www.nfwf.org/ilf/Pages/home.aspx	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Streambed	0.40	-	TBD

A. Environmental Review

On 27 March 2018, the California Department of Transportation – District 3, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2017072043) for the Project and filed a Notice of Determination (NOD) at the SCH on 27 March 2018. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that California Department of Transportation – District 3's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by California Department of Transportation – District 3 addresses the Project's water quality impacts. (California Code of Regulations, Title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by California Department of Transportation – District 3 for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, Title 14, section 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: 703 B Street, Marysville, California 95901.

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

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

C. Findings

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

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

a.i. Potential Significant Impact: The Project may result in potentially significant impacts to water quality from the increase of turbidity to wetland habitat from the fill and excavation activities.

a.ii. Facts in Support of Finding:

Water Quality and Storm Water Runoff Avoidance and Minimization Measures

1. The project will adhere to the conditions of the statewide NPDES Permit issued by the State Water Resources Control Board, (Order No. 2012-0011-DWQ, NPDES Permit No. CAS000003) and all adopted amendments to this Permit. This statewide Permit regulates storm water and non-storm water discharges from Caltrans' properties and facilities, and discharges associated with operation and maintenance of the state highway system. Caltrans facilities include, but are not limited to, maintenance stations/yards, equipment storage areas, storage facilities, fleet vehicle parking and maintenance areas and warehouses with material storage areas.
2. Adherence to the requirements of the Statewide NPDES General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002) and all adopted amendments to this General Permit is necessary if the project disturbs one or more acres of land surface or is part of a larger common plan of development or sale that disturbs more than one acre of land surface.
3. All applicable guidelines and requirements in the 2015 Caltrans Standard Specifications (CSS) Section 13 should be followed regarding water pollution control and general specifications for preventing, controlling, and abating water pollution in streams, waterways, water conveyance systems, and other bodies of water. Some of the pertinent specifications relating to the activities proposed and anticipated are mentioned include to following:
 - If the project entails 1 acre or more of disturbed soil area, an approved Stormwater Pollution Protection Plan (SWPPP) will be necessary which specifies the level of temporary pollution control measures for the project (as stated in CSS Section 13-3).
 - During construction operations, attention by field inspectors and construction staff should be given to CSS Section 13-4, Job Site Management. It requires the Contractor to control and prevent spills; address material waste and non-storm water management; and covers dewatering activities (among other things). As such, the Contractor prepared SWPPP (or WPCP) will describe mitigation measures that address effective handling, storage, usage, and disposal practices meant to control material pollution and manage waste and non-storm water at the job site before they encounter any storm drain system or receiving water.
 - Focus and attention (during construction) should be given to CSS 13-4.03E(5), which details specifics and requirements meant to address the use of material and equipment at, near, or over waterways.
 - For areas involving concrete placement, CSS Sections 13-9.02C and 13-9.02D is required to be followed and covers the handling of concrete waste during construction operations.
4. Existing drainage facilities should be identified and protected by the application of appropriate Construction Site BMPs, and all BMPs implemented must be routinely inspected for effectiveness and modified accordingly (by the Contractor).

5. The Caltrans' Storm Water Management Plan, the Project Planning and Design Guide Section 4, and the Evaluation Documentation Form (EDF) provide detailed guidance in determining if a specific project requires the consideration of permanent treatment BMPs. At this time, it is not anticipated that treatment BMPs will need to be considered.

Wetlands and Other Waters Avoidance and Minimization Measures

1. Establish Environmentally Sensitive Areas: Additional direct and indirect impacts to sensitive biological resources throughout the project area will be avoided or minimized by designating these features outside of the construction impact area as ESAs on project plans and in project specifications. ESA information will be shown on contract plans and discussed in the Special Provisions. ESA provisions may include, but are not necessarily limited to, the use of temporary orange fencing to identify the proposed limit of work in areas adjacent sensitive resources or to locate and exclude sensitive resources from potential construction impacts. Contractor encroachment into ESAs will be prohibited (including the staging/operation of heavy equipment or casting of excavated materials). ESA provisions will be implemented as a first order of work and remain in place until all construction activities are complete.
2. Containment Measures / Construction Site Best Management Practices: The Contractor will implement measures so as to contain construction related material, in manageable locations, and prevent debris from entering surface waters during in-water work and for construction operations outside of receiving waters.

BMPs utilized for erosion control will be implemented and in place prior to, during, and after construction to ensure that no silt or sediment enters receiving waters. Areas where a disturbance of soil has occurred will be stabilized appropriately and approved by the Central Valley Water Board prior to filing the Notice of Termination. BMPs options and the selected measures deployed, which relate to in-water work, will be considered, evaluated, and dependent on factors such as field conditions, changes to construction strategies, and regulatory requirements in order to protect the beneficial uses of receiving waters. The project design team may specify BMPs to be utilized during construction in addition to, or in place of, other temporary measures selected by the Contractor.

Compliance with all construction site BMPs, specified in the approved WPCP and any other permit conditions, is mandatory to minimize the introduction of construction related contaminants and sediment to receiving waters. In order to achieve this and reduce the potential for discharge, the Contractor will follow all applicable guidelines and requirements in the 2015 Caltrans Standard Specifications (2015 CSS), Section 13, regarding water pollution control and general specifications for preventing, controlling, and abating water pollution in streams, waterways, and other bodies of water. Project specific BMPs will address (among other things) soil stabilization, sediment control, wind erosion control, vehicle tracking control, non-storm water management, and waste management practices and will be based on the best conventional and best available technology. Caltrans staff and the Contractor will perform routine inspections of the construction area to verify that field BMPs are properly implemented, maintained, and are operating effectively and as designed. BMPs and measures selected must meet the standards and objectives to minimize water pollution impacts set forth in the 2015 CSS and will include (but not be limited to) the following:

- Conduct all in-water work within streams or wetlands that provide habitat for special status fish species (SR 160 and SR 99) between July 15th and October 15th.
 - Use only equipment in good working order and free of dripping or leaking engine fluids. Conduct any necessary equipment washing where water is prevented from flowing into MS4 drainage conveyance systems and receiving waters.
 - In case of an accidental spill, an “emergency response plan” will be prepared and submitted to NOAA Fisheries and CDFW for review and approval at least 14 days prior to conducting any construction work. A spill prevention control and countermeasures plan will be onsite and in place to handle any topside spills. The plan will include strict onsite handling rules to keep construction and maintenance materials from entering the river, including procedures related to refueling, operating, storing, and staging construction equipment, as well as preventing and responding to spills. The plan also will identify the parties responsible for monitoring the spill response. During construction, any spills will be cleaned up immediately according to the spill prevention and countermeasure plan.
 - BMPs for spill containment measures (plastic sheeting, absorbent pads and/or other containment devices) will be utilized during all barge-mounted or trestle-mounted construction activities. BMPs will be deployed around and beneath all over-water or barge-mounted/ trestle-mounted construction equipment. Supplemental equipment will be onsite to collect and remove any spills.
 - Prevent discharge of turbid water to the American River or Lagoon Creek during any construction activities including, but not limited to de-watering activities, by filtering the discharge first using a filter bag, diverting the water to a settling tank or infiltration areas, and/or treating the water in a manner to ensure that discharges conform to the water quality requirements of the waste discharge permit issued by the Central Valley Water Board prior to entering receiving waters.
3. Environmental Awareness Training for Construction Personnel: Before any work occurs in the project area, including grading and tree removal, Caltrans’ contractors will retain a qualified biologist (familiar with the resources to be protected) to conduct a mandatory contractor/worker environmental awareness training for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) to brief them on the need to avoid effects to sensitive biological resources (e.g., riparian vegetation, wetlands, special-status species, nesting birds, and protected trees) adjacent to construction areas and the penalties for not complying with applicable state and federal laws and permit requirements. The biologist will inform all construction personnel about the life history and habitat requirements of special-status species with potential for occurrence onsite, the importance of maintaining habitat, and the terms and conditions of the biological opinion or other authorizing document (e.g., letter of concurrence). Proof of this instruction will be submitted to the project proponent, and other overseeing agencies (i.e., CDFW, USACE, and/or Central Valley Water Board), as appropriate.

The environmental training also will cover general restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological resources during project construction. General restrictions and guidelines that will be followed by construction personnel are listed below:

- Project-related vehicles will observe the posted speed limit on hard-surfaced roads and a 10 mile-per-hour speed limit on unpaved roads or access areas during travel within the project limits.
 - Project-related vehicles and construction equipment will restrict off-road travel to the designated construction area.
 - Vegetation clearing and construction operations will be limited to the minimum necessary.
 - All food-related trash will be disposed of in closed containers and removed from the project site at least once a week during the construction period. Construction personnel will not feed or otherwise attract wildlife to the project site.
 - No pets or firearms will be allowed on the project site.
 - To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel will not service vehicles or construction equipment outside designated staging areas.
 - The training also will include identifying the BMPs written into construction specifications for avoiding and minimizing the introduction and spread of invasive plants.
4. Limit Vegetation Removal: Vegetation removal will be limited to the absolute minimum amount required for construction.
 5. Restrict Timing of Woody Vegetation Removal: Complete the removal of any woody vegetation (trees and shrubs) required for the project between August 31st and February 14th prior to project construction, outside of the predicted nesting season for raptors and migratory birds in this area. Vegetation removal outside this time period may not proceed until a survey by a qualified biologist determines no migratory bird nests are present or in use (see below).
 6. Restore/Revegetate Temporarily Affected Areas Onsite: Disturbed areas within the construction limits will be graded to minimize surface erosion and siltation into receiving waters. The streambeds and banks will be re-contoured to as close to pre-project condition as possible. Stream-banks and adjacent areas that are disturbed by construction activities will be stabilized as soon as feasible as (and no later than October 15th of each construction season) to avoid erosion during subsequent storms and runoff.

An onsite restoration and revegetation plan will be prepared by the District Biologist and Restoration Specialist and submitted to the permitting agencies for review and approval prior to project construction. Once construction is complete, a final site review will be performed by the District Biologist and Restoration Specialist to ensure that pre-project topography is restored and appropriate for seeding/planting. Bare areas will be treated for erosion control by covering with mulch and re-vegetating with appropriate native species. Construction site BMPs will be utilized to prevent contamination of watercourses from construction material

and debris. If any restoration planting work is required, it is expected to be implemented using the California Conservation Corps, with oversight provided by the Caltrans Restoration Specialist and Project Biologist.

Permanent erosion control seeding will be performed at all disturbed sites by hydro-seeding with an application of native grass straw mulch over the course of construction as each site is completed, with all sites seeded by the completion of construction activities. If any additional riparian restoration planting is required that uses container plants, it will be conducted the first fall following the first growing season post construction. This allows observation of water flow patterns (that then direct the planting distribution of these species) and allows observation and addressing of any problems resulting from winter flows.

Any seed or container plants will be generated from materials collected from the vicinity of the project or of similar elevation and habitat characteristics. Willow cuttings for use in biotechnical bank stabilization will be obtained from the vicinity of the project from along the existing Caltrans right of way or from sites approved by the Resident Engineer in coordination with the Revegetation Specialist/Project Biologist.

In addition, the following mitigation measure applies:

Mitigation: Compensate for Permanent Impacts to Wetlands: The USACE's 2008 Mitigation rule (33 CFR Part 332) establishes standards and criteria for the use of all types of compensatory mitigation, including on-site and off-site permittee-responsible mitigation, mitigation banks, and in-lieu fee mitigation to offset unavoidable impacts to waters of the United States authorized through the issuance of Department of the Army permits pursuant to section 404 of the Clean Water Act. When considering options for successfully providing the required compensatory mitigation, the district engineer will consider the type and location options in the order presented: 1) Mitigation Bank Credits; 2) In-Lieu Fee Program Credits; 3) Permittee- Responsible Mitigation.

To compensate for the permanent project impacts on potentially jurisdictional wetlands, Caltrans will purchase credits at an approved mitigation bank or through the participation in the USACE - National Fish and Wildlife Foundation in-lieu fee program. Currently, USACE-approved wetland mitigation banks with available wetland credits and a "service area" that includes the Lagoon Creek Bridges in southern Sacramento County include the Clay Station Mitigation Bank, Elsie Gridley Mitigation Bank, and the Toad Hill Ranch Mitigation Bank. The minimum wetland compensation ratio will be 1:1 (1 acre of wetland habitat credit for every 1 acre of impact) to ensure no net loss of wetland habitat functions and values.

Weed Free Erosion Control and Revegetation Treatments: To further minimize the risk of introducing additional non-native species into the area, only locally adapted plant species appropriate for the project area will be used in any erosion control or revegetation seed mix or stock.

Caltrans will implement "Restore Temporarily Affected Areas On-Site" at all temporarily disturbed stream-courses and streambanks, and will consider incorporating bio-technical erosion control such as willow cuttings in the restoration design where feasible.

Wetlands Only Practicable Finding

Executive Order 11990 states that a federal agency may not undertake or provide assistance for new construction in wetlands unless the head of the agency finds that there is no practicable alternative and the proposed project includes all practicable measures to minimize harm. No permanent or temporary impacts to potentially jurisdictional wetlands are anticipated at SR 160. There were several build alternatives and a no build alternative analyzed for SR 99. It was determined that the no build alternative did not meet the project's purpose and need. All build alternatives would result in permanent and temporary impacts to potentially jurisdictional wetlands.

- The following measures would be implemented to minimize harm:
- Establish Environmentally Sensitive Areas
- Include Containment Measures / Construction Site Best Management Practices
- Conduct Environmental Awareness Training for Construction Personnel
- Limit Vegetation Removal
- Restrict Timing of Woody Vegetation Removal
- Restore/Revegetate Temporarily Affected Areas Onsite
- Compensate for Permanent Impacts to Wetlands

Based on the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use.

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality impacts. (California Code of Regulations, Title 14, section 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. (California Code of Regulations, Title 14, section 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
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. **(See your Order for specific reports required for your Project)**
 - **Part A (Monthly & Annual Reports):** These reports will be submitted monthly starting after the Commencement of Construction Notification and annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Jordan.Hensley@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Jordan Hensley; Reg. Measure ID: 428134_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:** 21 May 2019

Map/Photo Documentation Information

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

1. **Map Format Information:**

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

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

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

REPORT AND NOTIFICATION COVER SHEET			
Project:	Caltrans Bridge Scour Mitigation – American River Project		
Permittee:	California Department of Transportation – District 3		
Reg. Meas. ID:	428134	Place ID:	854968
WDID:	5A34CR00758	Construction Storm Water General Permit WDID#:	_____
Order Effective Date:	21 May 2019		
Order Expiration Date:	20 May 2024		

Report Type Submitted	
Part A – Project Reporting	
Report Type 1	<input type="checkbox"/> Monthly Report # _____
Report Type 2	<input type="checkbox"/> Annual Report # _____
Part B - Project Status Notifications	
Report Type 3	<input type="checkbox"/> Commencement of Construction
Report Type 4	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type 5	<input type="checkbox"/> Request for Notice of Project Complete Letter
Part C - Conditional Notifications and Reports	
Report Type 6	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type 7	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type 8	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9	<input type="checkbox"/> Modifications to Project Report
Report Type 10	<input type="checkbox"/> Transfer of Property Ownership Report
Report Type 11	<input type="checkbox"/> Transfer of Long-Term BMP Maintenance Report

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

Print Name ¹

Affiliation and Job Title

Signature

Date

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

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

Permittee's Signature

Date

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

Part A – Project Reporting

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

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

	<p>d) Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
Report Type 2	Annual Report
Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the 1st day of July. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status
Annual Report Topics (1-3)	
Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	<ol style="list-style-type: none"> 1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> a. Summary of Conditional Notification and Report Types 5 and 6 (Part C below). b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	Mitigation for Temporary Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<ol style="list-style-type: none"> 1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.

	2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	Compensatory Mitigation for Permanent Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	Part A. Mitigation Bank or In-Lieu Fee <ol style="list-style-type: none"> 1. Status or proof of purchase of credit types and quantities. 2. Include the name of bank/in-lieu fee program and contact information. 3. If in-lieu fee program, location of project and type if known.

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

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

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

Part C – Conditional Notifications and Reports

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

Report Type 7	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.

Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.
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Report Type 8	In-Water Work and Diversions Water Quality Monitoring Report
Report Purpose	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
When to Submit	Seven (7) days prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

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

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

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

	2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.
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Report Type 11	Transfer of Long-Term BMP Maintenance Report
Report Purpose	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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 XIV.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 verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

Post-Discharge Certification Deviation Reporting:

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

Annual Summary Deviation Report:

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