
Central Valley Regional Water Quality Control Board

26 June 2015

ATTACHMENT A

Mr. George Carpenter
Winn Communities
3001 I Street, Suite 300
Sacramento, CA 95916

**CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; THE ALVAREZ PROPERTY PROJECT (WDID #5B34CR00066), FLORIN,
SACRAMENTO COUNTY**

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations (CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required §3833 of the California Code of Regulations.

4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.

TECHNICALLY CERTIFICATION CONDITIONS:

In addition to the above standard conditions, Winn Communities shall satisfy the following:

1. Winn Communities shall notify the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in writing at least **seven (7) days** in advance of the start of any work within waters of the United States. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. Winn Communities shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. Winn Communities shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters.

The monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ 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.

⁽²⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽³⁾ A hand-held field meter may be used, provided that the meter utilizes a USEPA-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 required by this Certification shall be maintained at the Project site.

As appropriate, (e.g. Lakes) Surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, Winn Communities 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 Certification 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 below.

If no monitoring is conducted, Winn Communities shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 or *Water Quality Control Plan for the Tulare Lake Basin, 2nd Edition* (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) 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.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area
6. Winn Communities shall notify the Central Valley Water Board immediately if the above criteria for turbidity and settleable matter or other water quality objectives are exceeded.
 7. 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. Winn Communities 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.
 8. Winn Communities 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 also address the potential of responding to a spill or prevention of spills occurring within the Project site.
 9. Asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering surface waters. Concrete must completely be cured before coming into contact with surface waters. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

10. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
11. All areas disturbed by Project activities shall be protected from washout or erosion.
12. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
13. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. Winn Communities shall notify the Central Valley Water Board as soon as practicable of any spill of petroleum products or other organic or earthen materials with written follow up within 5 days.
14. Winn Communities shall apply for a name change or amendment to this Certification should any of the following occur: (a) a change in the ownership or all or any portion of the Project; (b) any change in the Project description; (c) any change involving discharge amounts, temporary impacts, and/or permanent impacts; and/or (d) amendments, modifications, revisions, extensions, and/or changes to the United States Army Corps of Engineers' Nationwide Permit# 29, the United States Fish and Wildlife Service decision document(s), and/or the California Department of Fish and Wildlife Streambed Alteration Agreement.
15. Winn Communities shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement issued by the California Department of Fish and Wildlife within 14 days of issuance to the Central Valley Water Board Contact indicated in this Certification.

Winn Communities shall comply with all California Department of Fish and Wildlife requirements, including, but not limited to, those requirements described in the Lake or Streambed Alteration Agreement.

16. The Conditions in this water quality certification are based on the information contained in Winn Communities' application and in the attached "Project Information Sheet." If the Project, as described in the application and the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
17. Winn Communities shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.

Winn Communities shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the Project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.

18. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under the applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with water quality standards and other pertinent requirements incorporated into this certification.
- a) If Winn Communities or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, Winn Communities is subject to civil monetary liabilities, for each day of violation, or criminal liability.
 - b) In response to a suspected violation of any condition of this certification, Central Valley Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems 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. (Water Code, §§ 1051, 13165, 13267 and 13383) In response to any violation of the conditions of this certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
 - c) Winn Communities shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of Project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
19. Winn Communities shall provide evidence of all on-site and off-site compensatory mitigation requirements, including, but not limited to, the purchase of mitigation credits prior to commencing construction to the Central Valley Water Board.

Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

STORM WATER QUALITY CONDITIONS:

Winn Communities shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, Winn Communities must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

- a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
 - b) 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.
2. Winn Communities 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:
- a) minimize the amount of impervious surface;
 - b) reduce peak runoff flows;
 - c) provide treatment BMPs to reduce pollutants in runoff;
 - d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - h) 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;
 - i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. Winn Communities must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:
- a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - c) 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
 - d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.

4. Winn Communities shall provide the Central Valley Water Board Contact indicated in this Certification a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

~~George Day, Senior Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205, Redding, California 96002
gday@waterboards.ca.gov
(530) 224-4859~~

Lynn Coster, Senior Environmental Scientist
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205, Redding, California 96002
Lynn.Coster@waterboards.ca.gov
(530) 224-2437

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from Winn Communities, The Alvarez Property Project (WDID# 5B34CR00066) will comply with the applicable provisions of §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") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)."

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with conditions of this Certification, the Winn Communities application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised October 2011 (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed by George Day for:

(for) PAMELA C. CREEDON
Executive Officer

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o Ms. Mary Pakenham-Walsh, U.S. Army Corp of Engineers, Sacramento
enclosures: Department of Fish and Wildlife, Region 2, Rancho Cordova
U.S. Fish and Wildlife Service, Sacramento
Mr. Bill Jennings, CALSPA, Stockton
Mr. Lourdes González-Peralta, ECORP Consulting, Inc., Rocklin

cc w/o
enclosures
by email: U.S. EPA, Region 9, San Francisco
Mr. Bill Orme, SWRCB, Certification Unit, Sacramento

PROJECT INFORMATION

Application Date: 19 December 2015

Application Complete Date: 19 June 2015

Applicant: Mr. George Carpenter
Winn Communities
3001 I Street, Suite 300
Sacramento, CA 95916

Project Name: The Alvarez Property Project

Application Number: WDID No. 5B34CR00066

Type of Project: Construction of 94 single-family lots, a park site and landscape corridors along Waterman Road through the development.

Project Location: Section 05, Township 07 North, Range 06 East
Latitude: 38°29'27" and Longitude: -121°20'51"

County: Sacramento County

Receiving Water(s) (hydrologic unit): Unnamed ditch and adjacent seasonal wetlands, which are tributary to the Sacramento River. Valley-American Unit No. 519.12 – Florin HSA

Water Body Type: Wetland, Drainage Ditch

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

Project Description (purpose/goal): The Alvarez Property Project is located at the south half of 9424 Florin Road, approximately 1,000 feet south of Florin Road, approximately 1,000 feet east of the California Traction Railroad, and approximately 3,000 feet west of Bradshaw Road, in the North Vineyard Station Specific Plan Area of the Vineyard community. The project consists of developing a high-density housing with the appropriate supporting facilities and infrastructure within the Sacramento County and as part of the North Vineyard Station Specific Plan. As currently designed, the project development will include the construction of 94 single-family lots, a park site and landscape corridors along the major road (Waterman Road) through

the development. To support the development, one off-site infrastructure improvement, a storm drainpipe, has been identified and incorporated into the project design.

The project site, including the off-site infrastructure improvements, will result in the fill of approximately ~~±0.412~~ 0.50 acre of potentially jurisdictional Waters of the U.S. The project will permanently impact ~~0.063~~ 0.15 acre of seasonal wetland and ~~0.349~~ 0.352 acre ~~4,439~~ 1,501 linear feet of drainage ditch

Preliminary Water Quality Concerns: Construction activities including soil disturbance, excavation, cutting/filling, and grading activities could result in increased erosion and sedimentation and may impact surface waters with increased turbidity, settleable matter

Proposed Mitigation to Address Concerns: Winn Communities will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Winn Communities will conduct turbidity, settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: Approximately ~~4,346.09~~ 1,597 cubic yards of native soil will be excavated.

Dredge Volume: Not Applicable

California Integrated Water Quality System Impact Data: The project will permanently impact ~~0.063~~ 0.15 acre of seasonal wetland and ~~0.349~~ 0.352 acre ~~4,439~~ 1,501 linear feet of drainage ditch.

U.S. Army Corps of Engineers Permit Number: SPK-2015-00034

United States Army Corps of Engineers Permit Type: Nationwide Permit #29 (Residential Developments)

Department of Fish and Wildlife Lake or Streambed Alteration Agreement: Winn Communities applied for a Lake or Streambed Alteration Agreement in December 2014.

Possible Listed Species: Federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). California Department of Fish & Wildlife (CDFW) species of special concern western pond turtle (*Actinemys marmorata marmorata*).

Status of CEQA Compliance: The County of Sacramento signed a final Notice of Determination approving a Negative Declaration on 10 July 2007 in compliance with Section 21108 or 21152 of the Public Resources Code, stating the project will not have a significant effect on the environment. Mitigation measures were made a condition of approval. A mitigation reporting or monitoring plan was adopted for this project and a statement of Overriding Considerations was not adopted for this project. (State Clearinghouse Number 2007042107).

Compensatory Mitigation: ~~Winn Communities will purchase 0.42 acres of vernal pool mitigation credits from the Toad Hill Ranch Mitigation Bank in Placer County and 0.42 acres of freshwater marsh complex or jurisdictional riparian mitigation credits from the River Ranch Wetlands Mitigation Bank in Yolo County to mitigate for impacts to waters of the United States.~~ To mitigate for the loss of 0.50 acres of waters of the United States Winn Communities shall purchase 0.28 acres of seasonal wetland establishment credits at the Cosumnes Floodplain Mitigation Bank, and 0.22 acres of vernal pool establishment credits at the Van Vleck Ranch Mitigation Bank. Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Application Fee Provided: An application fee of \$600 was submitted on 18 December 2015 and an additional fee of \$20,156 was submitted on 19 June 2015. A total fees of \$20,756 has been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.