19 October 2020

Scot A. Moody
Stockton East Water District
6767 East Main Street
Stockton, CA 95215

CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; STOCKTON EAST WATER DISTRICT, LOWER FARMINGTON CANAL GATE AUTOMATION PROJECT (WDID#5B39CR00338), SAN JOAQUIN COUNTY

This Order responds to the 24 July 2020 application submitted by Stockton East Water District (Applicant) for the Water Quality Certification of the Lower Farmington Canal Gate Automation Project (Project), permanently impacting 0.0018 acre/6 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #3 (Non-Reporting) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Resources Control Board Order 2003-0017-DWQ.

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 Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.

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 Section 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 under Section 3860(c) of the California Code of Regulations.

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 This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.

    (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

    (b) For a partnership or sole proprietorship: by a general partner or the proprietor.

    (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification:

    "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:

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

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.

2. Except for activities permitted by the United States Army Corps of Engineers under Section 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. The Applicant 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. The Applicant 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 sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and 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.

Table 1: Sample Type and Frequency Requirements

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab[1]	Every 4 hours during in-water work	[2, 3]
Visible construction related pollutants[4]	Observations	Visual Inspections	Continuous throughout the construction period	NA
pH[5]	Standard Units	Grab[1]	Every 4 hours during in-water work	[2, 3]

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant 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.

[1] Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
[2] 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.
[3] A hand-held field meter may be used, provided 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 shall be maintained onsite.
[4] Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
[5] Sampling to be conducted if wet concrete comes into contact with surface water.

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

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (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 pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

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

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

   c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.

6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, pH, or other water quality objectives are exceeded.

7. In-water work shall occur during periods of no precipitation after the work area has been completely dewatered.

8. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) Project activities result in any materials reaching surface waters; or 3) Project activities result in the creation of a visible plume in surface waters.

9. Activities shall not cause visible oil, grease, or foam in the receiving water.

10. 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 Applicant 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.

11. The Applicant 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.

12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.

13. Concrete must be completely cured before coming into contact with waters of the United States. 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.

14. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at a site, washout containment to prevent any discharge shall be used. Wastewater may only be disposed by delivery to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.

15. 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 United States through the entire duration of the Project.

16. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

17. All areas disturbed by Project activities shall be protected from washout and erosion.

18. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

19. All materials resulting from the Project shall be removed from the site and disposed of properly.

20. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.

21. If water is present, the area must be dewatered prior to the start of work.

22. If temporary surface water diversions and/or dewatering are anticipated, the Applicant 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. The Plan(s) must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.

23. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.

24. If any temporary dam or other artificial obstruction is constructed, 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.

25. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Nationwide Permit #3, the United States Fish and Wildlife Service decision document(s), or the California Department of Fish and Wildlife Streambed Alteration Agreement.

26. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is

modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

27. 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 state and federal law. 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 this Certification.

    (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

    (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

    (c) The Applicant 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.

NOTIFICATIONS AND REPORTS:

28. The Applicant shall provide 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 approved amendments. 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.

29. The Applicant shall 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 number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Nicholas White, Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Nicholas.White@waterboards.ca.gov
(916) 464-4856

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that this project meets the Categorical Exemption, under Sections 15301 and 15302 of the California Code of Regulations, which exempts existing facilities, replacement and reconstruction.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Stockton East Water District, Lower Farmington Canal Gate Automation Project (WDID#5B39CR00338) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, 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 the conditions of this Certification, Stockton East Water District's 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 Basins*, Fifth Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources 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 Resources 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 State Water Resources Control Board's Water Quality Petitions webpage (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 13

PROJECT INFORMATION SHEET

Application Date: 24 July 2020

Applicant: Scot A. Moody
Stockton East Water District
6767 East Main Street
Stockton, CA 95215

Project Name: Lower Farmington Canal Gate Automation Project

Application Number: WDID#5B39CR00338

Date on Public Notice: 24 July 2020

Date Application Deemed Complete: 24 August 2020

Date All Information Received: 24 July 2020

Type of Project: Non-Bioengineered Channel Construction, Maintenance and/or Bank Stabilization

Approved Months of Project Implementation: 1 October through 31 December

Project Location: Section 25, Township 1 North, Range 9 East, MDB&M.
Latitude: 37°54'52.3" N and Longitude: 120°56'18.9" W

County: San Joaquin County

Receiving Water(s) (hydrologic unit): Unnamed tributary to Rock Creek, San Joaquin Hydrologic Basin, North Valley Floor Hydrologic Unit #531.40, Duck-Littlejohns HA

Water Body Type: Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (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); Hydropower Generation (POW); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); 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 on the Central Valley Water Board's Basin Planning webpage (http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

303(d) List of Water Quality Limited Segments: An unnamed tributary to Rock Creek is the receiving water for the Lower Farmington Canal Gate Automation Project. The

unnamed tributary is not listed on the 303(d) list. The most recent list of approved water quality limited segments is found on the State Water Resources Control Board's Impaired Water Bodies webpage (http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml).

Project Description: The Lower Farmington Canal Gate Automation Project (Project) is located at the Lower Farmington Canal Headworks near the intersection of Sonora Road and Henry Road. The Project consists of removing the existing 16-foot tall slide gate and installing two, 6-foot wide, aluminum flume gates on the existing concrete base with new 1-foot thick concrete side walls for support. The new gates will provide flow measurement and water level control. Modifications to the existing concrete Rock Creek Diversion structure consist of constructing two new concrete walls in the interior of the structure, and one new dividing wall to separate the new gates. The walls will be approximately 12-feet tall and finished to match the elevation of the existing diversion structure. Concrete will be poured on top of the existing concrete base footing to create the new walls. Forming and finishing of walls will take approximately 2 months to complete and will occur during the off-irrigation season when the channel is dry. All excess concrete will be removed prior to Project completion.

No dewatering will occur within the Project area. Wet concrete will be placed into the stream bed in dry conditions. The Project will permanently impact 0.0018 acre /6 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and pH.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and pH testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

Excavation/Fill Area: Approximately 9 cubic yards of concrete and 1 cubic yard of aluminum gate will be placed into 0.0018 acre of stream bed habitat (waters of the United States).

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.0018 acre/6 linear feet of stream bed habitat from fill and excavation activities.

Table 1: Total Project Fill/Excavation Permanent Physical Loss of Area Impact Quantity

Aquatic Resource Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.0018	10	6

United States Army Corps of Engineers File Number: Non-Reporting

United States Army Corps of Engineers Permit Type: Nationwide Permit #3

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: Not applicable

Possible Listed Species: None

Status of CEQA Compliance: The Central Valley Water Board has determined that this project meets the Categorical Exemption, under Sections 15301 and 15302 of the California Code of Regulations, which exempts existing facilities and replacement and reconstruction.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) days of the date of this Certification.

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the Lower Farmington Canal Gate Automation Project because the Project results in minimal impacts to the concrete lined stream channel.

Application Fee Provided: $1,949.00 was received on 24 July 2020. 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

DISTRIBUTION LIST

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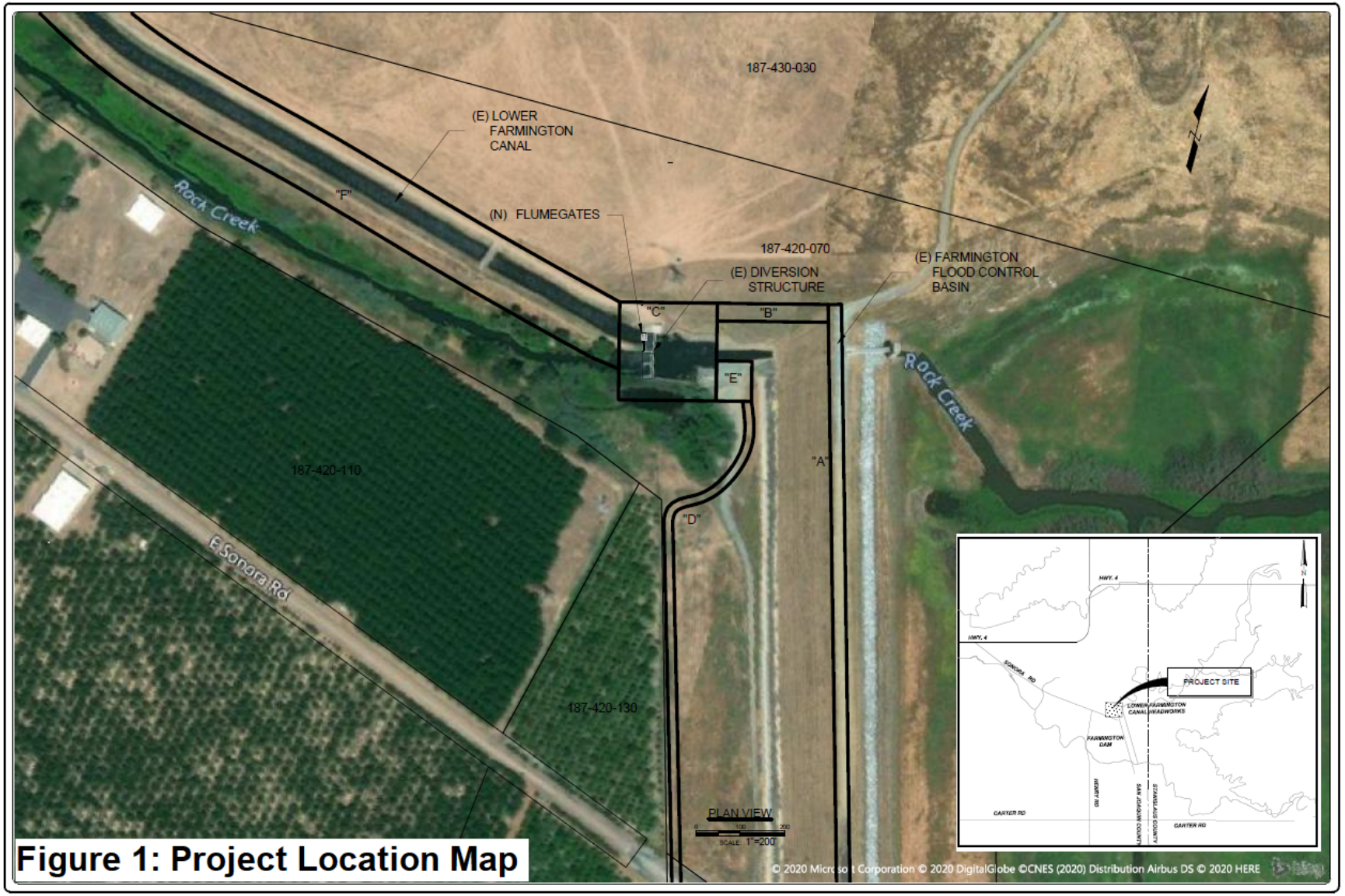

Figure 1: Project Location Map