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## Central Valley Regional Water Quality Control Board

13 July 2018

Erik Johnson  
Tuolumne Utilities District  
18885 Nugget Blvd  
Sonora, CA 95370

CERTIFIED MAIL  
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### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE PHOENIX LAKE PRESERVATION AND RESTORATION PROJECT, TUOLUMNE COUNTY (WDID#5B55CR00117)**

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 Tuolumne Utilities District for Phoenix Lake Preservation and Restoration 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 Tuolumne Utilities District for proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

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

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

If you require further assistance, please contact me by phone at (916) 464-4856 or by email at [Nicholas.White@waterboards.ca.gov](mailto:Nicholas.White@waterboards.ca.gov). You may also contact (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

*Original Signed by:*

Nicholas White  
Water Resource Control Engineer  
401 Water Quality Certification Unit

Enclosures (1): Order for Phoenix Lake Preservation and Restoration Project

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

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

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cc: (w/ enclosure):

Bill Jennings  
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3536 Rainier Avenue  
Stockton, CA 95204

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Central Valley Regional Water Quality Control Board

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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<b>Effective Date:</b> 13 July 2018	<b>Reg. Meas. ID:</b> 419478
<b>Expiration Date:</b> 12 July 2023	<b>Place ID:</b> 844773
<b>Program Type:</b> Dredging	<b>WDID:</b> 5B55CR00117
	<b>USACOE#:</b> SPK-2016-00765
	<b>IP:</b> IP

**Project Type:** Ecological Aquatic/Stream/Habitat Restoration

**Project:** Phoenix Lake Preservation and Restoration Project (Project)

**Applicant:** Tuolumne Utilities District

**Applicant Contact:** Erik Johnson  
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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 Tuolumne Utilities District (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 2 February 2018. The application was deemed complete on 9 March 2018.

**II. Public Notice**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 16 February 2018 to 9 March 2018. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

Phoenix Lake is an 88-acre water storage reservoir that has experienced decreased capacity due to sedimentation. Sedimentation has also degraded water quality and created sub-optimal ecological conditions. The Project will allow for the increase of water supply reliability and improvement of water quality for Tuolumne Utility District's (TUD) largest system, serving more than 10,000 people as well as commercial and agricultural users.

**IV. Project Description**

The 165-acre Project will restore drinking water capacity, improve water quality, and enhance the functions and values of aquatic habitats by removing sediment, reusing sediment for wetland enhancement, establishing permanent maintenance access to the lake, establishing a new creek crossing, lowering an existing water pipeline crossing a creek, and maintaining a sediment basin within Phoenix Lake.

**V. Project Location**

Project is located approximately 3 miles east of the City of Sonora in Tuolumne County, California

Section 28, Township 2 North, Range 15 East, MDB&M.

Latitude: 37°59'45.78"N and Longitude: 120°19'22.85"W

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

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

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised July 2016 (Basin Plan). The Basin Plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

## VII. Description of Direct Impacts to Waters of the State

The Project will temporarily impact 46.90 acres of lake and 19.41 acres of wetland habitat associated with the dredge operations. Additionally, the Project will temporarily impact 3.22 acres of lake habitat, 0.06 acre/120 linear feet of stream channel habitat, and 2.64 acres of wetland habitat, and permanently impact 0.14 acre/650 linear feet of stream channel and 0.53 acre of wetland habitat associated with Project construction and fill activities. Phoenix Lake is divided into eight management areas, shown in Figure 2 of Attachment A. Sediment removal/dredging will take place in all management areas. Sediment removal and placement will be accomplished by lowering the lake water level to allow equipment (e.g., excavators, scrapers) to excavate sediment. Construction equipment would enter the lake via a ramp constructed from the Summers property into the North Pool (Figure 2-1). Once the ramp is built, a permanent access road will be constructed along the northern boundary of the North Pool. The North Pool Access Road will be used for hauling excavated material, constructing the transition of Sullivan and Power Creeks to the North Pool, and long-term maintenance of the North Pool. Existing vegetation will be removed from the footprint of the sediment removal areas with an excavator. Organic material will be disposed at the Cedar Ridge Apple Ranch. Following vegetation stripping, accumulated sediments will be removed to restore lake capacity. A large excavator will be used to excavate sediments and load it into haul trucks. Scrapers may also be used to excavate and haul material to the disposal areas.

A clamshell or long-reach excavator will be used to dredge in some of the deepest portions of the lake (e.g. Area 7) that cannot be dewatered. The clamshell dredge and long-reach excavator will operate from adjacent ground surfaces or on small barge. The dredging operations and placement of excavated soil is covered by Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Certain Types of Discharges Within the Central Valley Region, Resolution R5-2013-0145-0110. Details of the activities within each management area are described below:

**Area 1 – North Pool:** A basin will be constructed at the north end of the lake to capture coarse sediment as it enters the lake. The three main tributaries to the lake (Sullivan, Power, and Chicken Creeks) will be routed into this basin. The transitions of main tributaries to the North Pool sediment basin will be stabilized with rock and vegetated rock slope protection to reduce the potential for erosion. A permanent access road will be constructed from the north side of the lake into the basin to allow for periodic removal of deposited sediment (Figure 2-1).

**Area 2 – Wetland Complex:** Sediment will be excavated from the basin to create spatially complex open water and marsh habitats. Water quality control berms will be placed to ensure lake inflow is retained in the wetland complex during storms. Basking structures for western pond turtle will be placed in this portion of the lake.

**Area 3 – West Pool:** Dredging in Area 3 will restore storage capacity. This area will be used for water management during construction and will serve as a refuge for fish and aquatic organisms when the lake level is lowered for construction.

**Area 4 – Central Pool:** Area 4 is currently a large depositional zone formed by the main tributaries. Sediment removal in Area 4 will restore storage capacity and provide continuity for water circulation.

**Area 5 – East Pool:** The East Pool is a broad, shallow portion of the lake. Sediment will be removed from this area to restore lake capacity.

**Area 6 – Boot Area:** Sediment removal includes dredging channels and maintaining wetland islands. Retaining wetland islands in the area would preserve and enhance bird nesting habitat.

**Area 7 – South Pool:** This portion of the lake includes the Permittee's water intake structure and the area around the dam spillway structure. Long-reach excavators or clamshell dredging will be used to remove sediment from this area. This area will be used for water management and as a deepwater refuge for fish and aquatic organisms when the lake level is lowered for maintenance.

**Area 8 – Sediment Bar:** This area will be fortified and recontoured with sediment excavated from other areas of the lake to form a stable sediment bar.

**Power Creek Crossing:** Sediment removed from the lake will be placed in orchards on both sides of the creek and a crossing will be constructed. The crossing will be a pre-fabricated galvanized steel deep corrugated buried bridge structure. The foundation will consist of two cast-in-place or precast concrete footings. Vegetated rock slope protection (RSP) will be placed on the bank slopes for 10 linear feet upstream and downstream of the crossing.

**Chicken Creek Pipeline Lowering:** The Permittee has a raw water pipeline that crosses the Chicken Creek channel. The Permittee will lower the pipeline 5 feet below the current invert elevation of the creek. After excavating, installing and tying-in of the new pipe, the existing pipe will be shut down and removed. The trenches will then be backfilled to match the existing grade with native material. Temporarily disturbed areas will be allowed to passively revegetate. Dewatering will occur within the Project area. Wet concrete will be placed into wetland, stream channel, riparian, or lake habitat after the area has been completely dewatered or when the work area is naturally dry.

Total Project dredge and fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Dredge Quantity									
Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Lake	46.90	459,250	-	-	-	-	-	-	-
Wetland	19.41	132,550	-	-	-	-	-	-	-

Table 2: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Lake	3.22	10,365	-	-	-	-	-	-	-
Stream Channel	0.06	285	120	0.14	220	650	-	-	-
Wetland	2.64	6,975	-	0.53	850	-	-	-	-

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

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

**VIII. Description of Indirect Impacts to Waters of the State – Not Applicable****IX. Avoidance and Minimization**

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:

Sediment removal and wetland enhancement has been carefully designed to maximize storage capacity, water quality, and wetlands functions while minimizing impacts to existing wetlands. The main construction access road is proposed in a location that minimizes impacts to riparian scrub habitat. The Power Creek crossing has been located in section of the creek that does not have trees or woody vegetation, thereby minimizing impacts to riparian habitat. The creek crossing utilizes an arch culvert and maintains a natural streambed.

The Project incorporates Best Management Practices (BMPs) that will be implemented by the Permittee during construction. Project BMPs include controls for construction work windows, area of disturbance, erosion and sediment control measures, on-site hazardous materials management, existing hazardous materials, spill prevention and response plan, vehicle and equipment maintenance, dust management controls and air quality protection, public safety measures, work site housekeeping, temporary fill and stockpiled materials, asbestos dust mitigation plan, and fire response plan.

**X. Compensatory Mitigation**

No compensatory mitigation is required for temporary impacts. No compensatory mitigation is required for permanent impacts to wetland habitat (0.53 acre) because Project activities impacting wetlands are related to restoration and enhancement resulting in a net gain of functional habitat.

The Permittee has agreed to provide compensatory mitigation for direct impacts described in section VII for permanent impacts to riparian zone habitat (0.14 acre).

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

On 14 November 2017, the Tuolumne Utilities District, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2017072046) for the Project and filed a Notice of Determination (NOD) at the SCH on 15 November 2017. Pursuant to CEQA, the Central Valley Water Board has made Findings of Fact (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 \$400.00 was received on 26 January 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

**XIV. Conditions**

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the

Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

#### **A. Authorization**

Impacts to waters of the state shall not exceed quantities shown in Table 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](mailto:centralvalleysacramento@waterboards.ca.gov).

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

##### **1. Project Reporting**

- a. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 15th day of each month beginning the month following 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 September starting one year after the effective date of the Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

##### **2. Project Status Notifications**

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

Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

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

**a. Accidental Discharges of Hazardous Materials<sup>4</sup>**

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - first call – 911 (to notify local response agency)
  - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
  - Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

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

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

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



### C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling<sup>5</sup>:
  - a. when performing any in-water work;
  - b. during the entire duration of temporary surface water diversions;
  - c. in the event that the Project activities result in any materials reaching surface waters; or
  - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:** During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:
  - a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b. The pH shall not be depressed below 6.5 nor raised above 8.5.
  - c. Activities shall not cause turbidity increases in surface water to exceed:
    - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
    - II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
    - V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Exceptions to the above limits will be considered when a dredging operation can cause an increase in turbidity. In those cases, an allowable zone of dilution within

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

which turbidity in excess of the limits may be tolerated will be defined for the operation and prescribed in a discharge permit.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.<sup>6</sup> The sampling in Table 3 shall be conducted in the lake and wetland outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the lake and wetland.

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

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
Visible construction related pollutants <sup>7</sup>	Observation	Visual Inspections	Continuous throughout the construction period
pH <sup>8</sup>	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours

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

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

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

<sup>8</sup> Sampling to be conducted if uncured concrete comes into contact with surface water.

**D. Standard**

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

**E. General Compliance**

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

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement.** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### **F. Administrative**

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

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

## **G. Construction**

### **1. Dewatering**

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

### **2. Directional Drilling – Not Applicable**

### **3. Dredging**

- a. Dredging operations and placement of excavated soil to land is covered under Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Certain Types of Discharges Within the Central Valley Region, Resolution R5-2013-0145-0110, issued to Tuolumne Utilities District for the Phoenix Lake Preservation and Restoration Project.

- b. In-water dredging operations will be conducted between 1 April and 15 October as required by the California Department of Fish and Wildlife.

#### **4. Fugitive Dust – Not Applicable**

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

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

#### **6. Hazardous Materials**

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

#### **7. Invasive Species and Soil Borne Pathogens – Not Applicable**

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

- a. Work in the streambed, wetland, and lake shall occur during periods of no precipitation and, in areas designated for dewatering, when the work area has been completely dewatered.

#### **9. Post-Construction Storm Water Management – Not Applicable**

#### **10. Roads – Not Applicable**

**11. 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.

**12. Special Status Species – Not Applicable****13. Stabilization/Erosion Control**

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

**14. Storm Water**

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

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

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.

**K. Compensatory Mitigation for Permanent Impacts<sup>9</sup>**

1. **Final Compensatory Mitigation Plan** The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with Phoenix Lake Preservation and Restoration Project Compensatory Mitigation and Monitoring Plan (Compensatory Mitigation Plan) dated January 2018 and incorporated herein by

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<sup>9</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

reference. Any deviations from, or revisions to, the Phoenix Lake Preservation and Restoration Project Compensatory Mitigation and Monitoring Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

## 2. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable

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

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

## 4. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.14 acre of stream channel by purchasing 0.14 Aquatic Resource Credits from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program.
- 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 <sup>10</sup>	Units	Method <sup>11</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Unknown	ILF	Acres	-	-	-	-	-	0.14

## 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

<sup>10</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>11</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

#### **XV. Water Quality Certification**

I hereby issue the Order for the Phoenix Lake Preservation and Restoration Project, (WDID#5B55CR00117) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

*Original Signed by:*

*13 July 2018*

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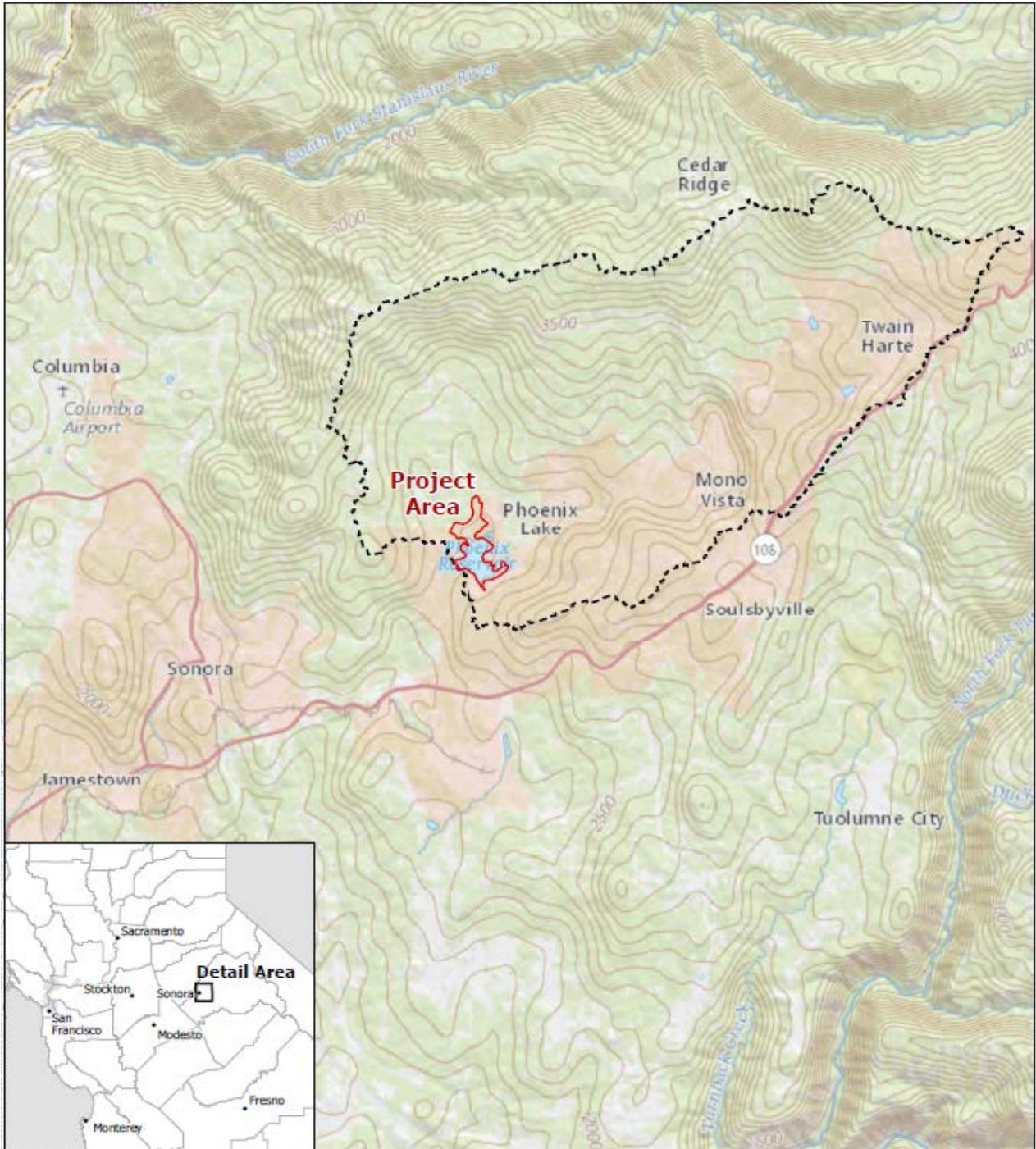
Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

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Date

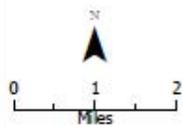
<b>Attachment A</b>	Project Map
<b>Attachment B</b>	Receiving Waters, Impact, and Mitigation Information
<b>Attachment C</b>	CEQA Findings of Facts
<b>Attachment D</b>	Report and Notification Requirements
<b>Attachment E</b>	Signatory Requirements
<b>Attachment F</b>	Certification Deviation Procedures





BaseMap Source: USGS The National Map  
National Boundaries Database, National

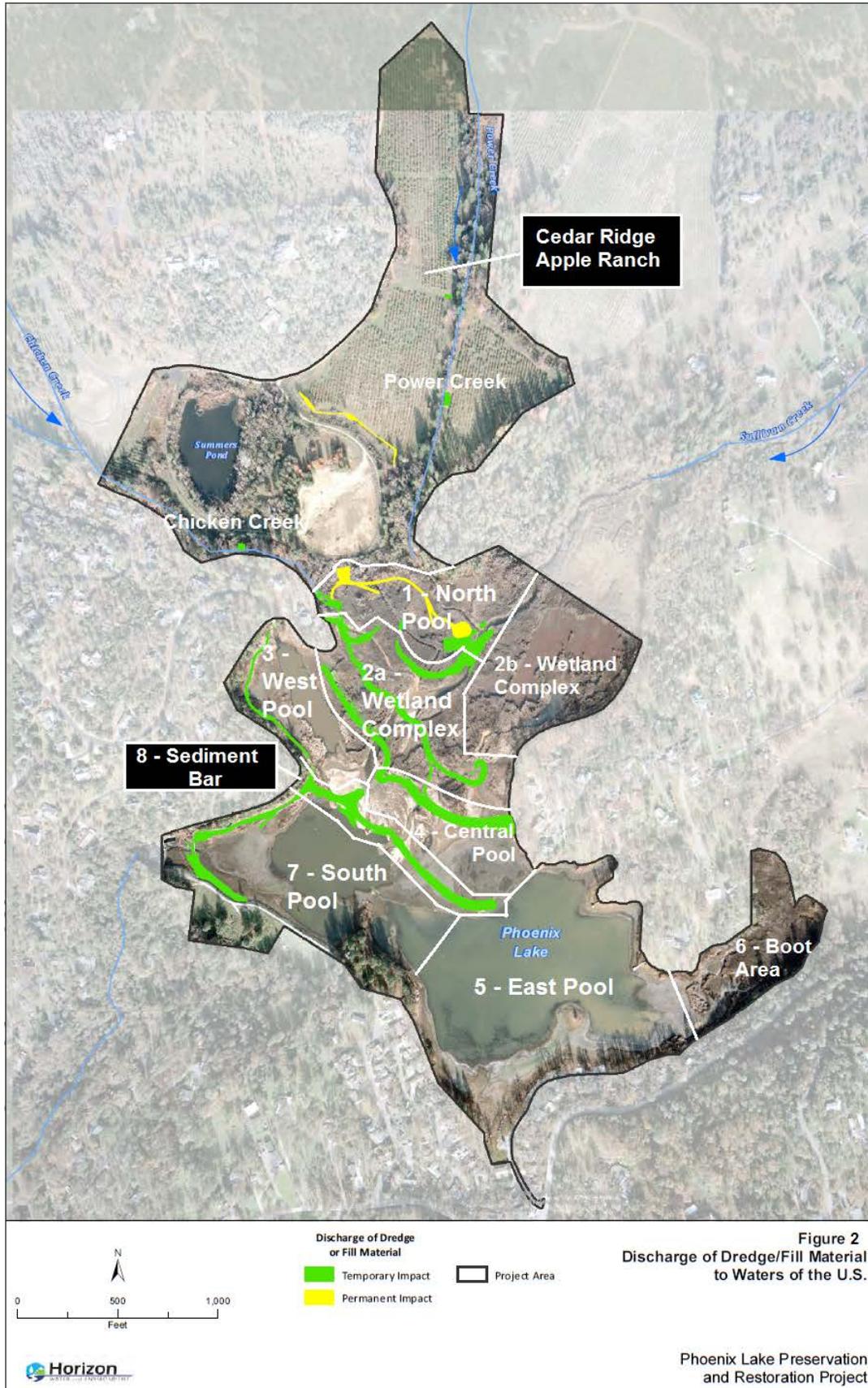
**Figure 1-1**  
**Project Location**

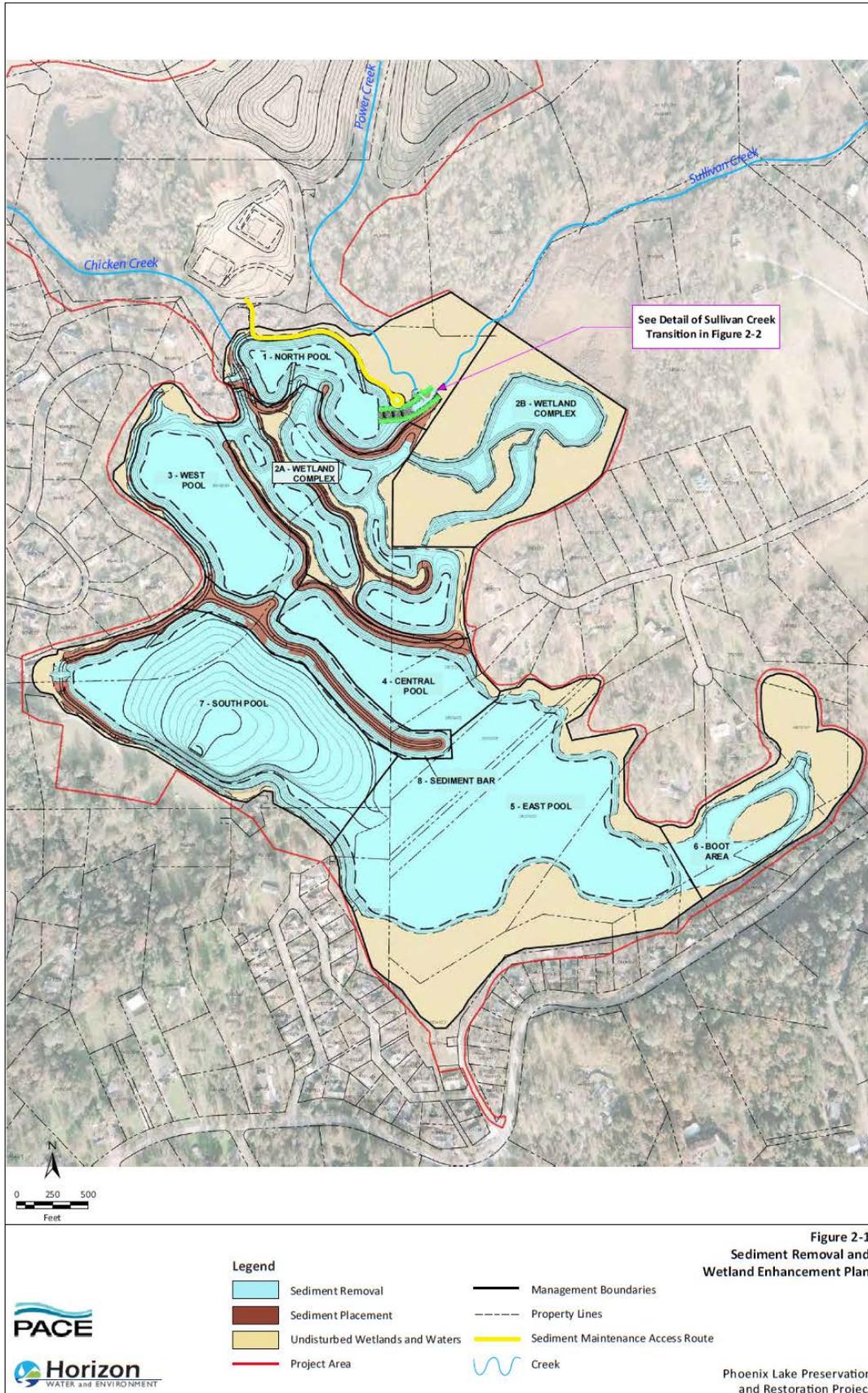


- Project Area
- Phoenix Lake Watershed



Phoenix Lake Preservation  
and Restoration Project





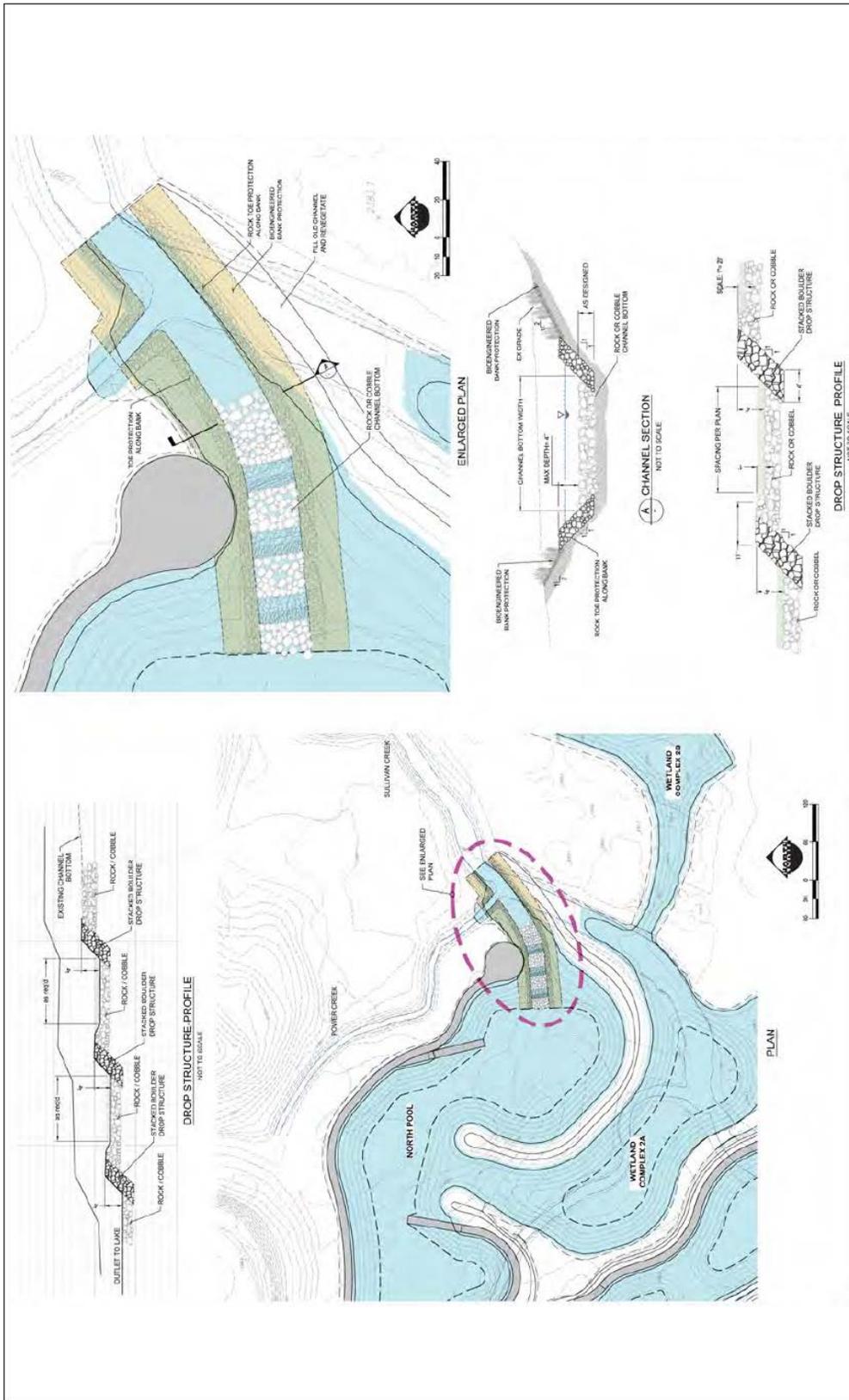
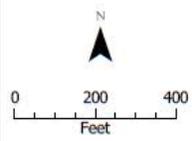


Figure 2-2  
Conceptual Plan for Creek  
Transition to North Pool  
Sediment Basin  
Phoenix Lake Preservation  
and Restoration Project





BaseMap Sources: Source: Esri, DigitalGlobe, GeoEye, Earthstar



- Project Area
- Staging Areas
- Preliminary Chicken Creek Basin and Channel Maintenance
- Potential Riparian Enhancement Areas
- Grading Contours (2- and 10-foot)

**Figure 2-3**  
**Sediment Disposal Plan and Staging Areas**

Phoenix Lake Preservation and Restoration Project



**Receiving Waters**

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

<b>Table 1: Receiving Water(s) Information</b>							
Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID <sup>12</sup>
<i>Area 1 (North Pool)</i>	<i>Unnamed tributary to Sullivan Creek</i>	<i>Lake/Wetland</i>	<i>536.31</i>	<i>Sullivan Creek</i>	<i>MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD</i>	<i>N/A</i>	<i>N/A</i>
<i>Area 2a (Wetland Complex)</i>							
<i>Area 3 (West Complex)</i>							
<i>Area 4 (Central Pool)</i>							
<i>Area 7 (South Pool)</i>							
<i>Area 8 (Sediment Bar)</i>							
<i>Cedar Ridge Apple Ranch</i>	<i>Unnamed tributary of unnamed tributary to Sullivan Creek</i>	<i>Stream/Wetland</i>					
<i>Power Creek</i>		<i>Stream</i>					
<i>Chicken Creek</i>							

<sup>12</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

**Individual Direct Impact Locations**

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1. Area 1 (North Pool)	38°00'11.2"N	120°19'24.1"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	4.79	59,250	-	0.78	400	-
					Permanent	-	-	-	0.53	850	-
2. Area 2a (Wetland Complex)	38°00'06.6"N	120°19'25.8"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	9.30	71,550	-	1.78	4,700	-
					Permanent	-	-	-	-	-	-
3. Area 3 (West Complex)	38°00'07.9"N	120°19'30.9"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	6.62	56,500	-	0.60	1,400	-
					Permanent	-	-	-	-	-	-
4. Area 4 (Central Pool)	38°00'00.0"N	120°19'19.7"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	5.26	50,850	-	0.62	2,900	-
					Permanent	-	-	-	-	-	-
5. Area 7 (South Pool)	37°59'57.9"N	120°19'32.0"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	14.56	231,500	-	0.68	3,000	-
					Permanent	-	-	-	-	-	-
6. Area 8 (Sediment Bar)	38°00'00.7"N	120°19'24.9"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	3.24	11,200	-	1.36	4,500	-
					Permanent	-	-	-	-	-	-
7. Cedar Ridge Apple Ranch	38°00'21.3"N	120°19'27.5"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	0.01	25	-
					Permanent	-	-	-	0.14	220	650
8. Power Creek	38°00'24.8"N	120°19'21.5"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	0.04	95	85
					Permanent	-	-	-	-	-	-
9. Chicken Creek	38°00'14.6"N	120°19'35.5"W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	0.02	190	35
					Permanent	-	-	-	-	-	-

### Compensatory Mitigation Information

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

#### **In-Lieu Fee Compensatory Mitigation Information**

<b>Table 3: In-Lieu Fee Program</b>			
In-Lieu Fee Program	Name:	Sacramento District California In-Lieu Fee Program	
	Website:	<a href="http://www.nfwf.org/ilf">http://www.nfwf.org/ilf</a>	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	TBD	
	Latitude:	TBD	
	Longitude:	TBD	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Riverine Waters	0.14	-	TBD



### A. Environmental Review

On 14 November 2017, the Tuolumne Utilities District, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No.2017072046) for the Project and filed a Notice of Determination (NOD) at the SCH on 15 November 2017. The Central Valley Water Board is a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that Tuolumne Utilities District's adopted environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Tuolumne Utilities District adequately addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Tuolumne Utilities District for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 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: 18885 Nugget Blvd, Sonora, CA 95370.

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, including comments received during the public review process, 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. (Cal. Code Regs., tit. 14, § 15070.)*

a.i. Potential Significant Impact: Potential to violate water quality standards or waste discharge requirements; and potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or

river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site

a.ii. Facts in Support of Finding: Tuolumne Utilities District (TUD) shall apply for coverage under State Water Resources Control Board's (SWRCB) General Construction Permit under the National Pollutant Discharge Elimination System (NPDES) and implement a storm water pollution prevention plan (SWPPP) that will contain, at a minimum, the following measures:

- (1) Prior to initiation of in-water construction activities, the TUD or its contractor shall install and include the use of a silt curtain system during construction. The system must be placed so as to confine the disturbed waters within the area. The silt curtains shall be stabilized within the lakebed area and shall remain in place until the disturbed sediment has resettled.
- (2) Prior to the initiation of dewatering activities, the TUD shall require the contractor to submit a dewatering plan which will be subject to review and approval by the United State Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). The plan shall include measures such as:
  - (a) Dams or berms for stream diversions shall be constructed of erosion resistant materials such as visqueen, washed gravel bags, inflatable water bladders, and similar.
  - (b) Provide for diversion of clean water flows around the areas of stream channel and/or lakebed to be dewatered. During the design phase of the project, the clean water diverter pipes will be sized to adequately address dry season flows from the catchment drainage. The design of the clean water diversion will identify a strategy for managing flows from high-flow storm events that are known to occur in the Sierras during the dry season. Reduce diversion gradient to reduce water velocity. Ensure that all diversion pipe connections are completely sealed and conduits are staked securely.
  - (c) Conduct visual monitoring for excessive turbidity, floating debris, trash, or oil sheen continuously to ensure water quality is being protected. If turbidity plumes are visually observed beyond the silt curtain, in-water construction activities shall be stopped, and shall not resume until the problem is corrected. The correction of problems may require the repair or redeployment of existing best management practices (BMPs), or the implementation of new BMPs to prevent further releases. Redeployment of BMPs may include moving the silt curtain.
  - (d) Compliance points shall be identified, including within the Operations Pool and at the lake outlet.
  - (e) All work within dewatered areas of lakebed and/or stream channels shall be conducted to minimize temporary and permanent impacts, incorporating BMPs such as:
  - (f) Petroleum products, chemicals, cement, fuels, lubricants, and nonstorm drainage water or water contaminated with the aforementioned materials shall not contact soil and shall not be allowed to enter surface waters or dewatered areas.

- (g) All toxic materials, including waste disposal containers, shall be covered when they are not in use, and shall be located as far away as possible from surface waters and dewatered areas.
- (h) The construction of a haul route within areas of dewatered lakebed shall use clean materials, such as washed aggregate. Prior to rewetting the dewatered area, the haul route shall be dismantled and the lakebed shall be restored to pre-project conditions.

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



### Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Applicant, Date, and Subject headers.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Nicholas.White@waterboards.ca.gov](mailto:Nicholas.White@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Nicholas White; Reg. Measure ID: 419478\_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:** 13 July 2018.

### Map/Photo Documentation Information

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

1. **Map Format Information:**

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

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

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

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Phoenix Lake Preservation and Restoration Project		
<b>Permittee:</b>	Tuolumne Utilities District		
<b>Reg. Meas. ID:</b>	419478	<b>Place ID:</b>	844773
<b>WDID:</b>	5B55CR00117	<b>Construction Storm Water General Permit WDID#:</b>	_____
<b>Order Effective Date:</b>	13 July 2018		
<b>Order Expiration Date:</b>	12 July 2023		

**Report Type Submitted**

**Part A – Project Reporting**

<b>Report Type 1</b>	<input type="checkbox"/> <b>Monthly Report #</b> _____
<b>Report Type 2</b>	<input type="checkbox"/> <b>Annual Report #</b> _____

**Part B - Project Status Notifications**

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

**Part C - Conditional Notifications and Reports**

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

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

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

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

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

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

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 15th day of each month beginning the month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>13</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> <li><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</li> </ol> </li> </ol>

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

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

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

**Part B – Project Status Notifications**

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

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

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>

**Part C – Conditional Notifications and Reports**

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

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
<b>When to Submit</b>	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

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

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li> <li>b. responsibility for compliance with any long-term BMP<sup>14</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.</li> </ol>

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

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<sup>14</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.



## SIGNATORY REQUIREMENTS

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

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

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



## Certification Deviation Procedures

### Introduction

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

### Process Steps

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

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

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

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