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Water Boards

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Central Valley Regional Water Quality Control Board

4 May 2018

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR TULARE TO GOSHEN SR 99 SIX LANE (SOUTH SEGMENT) PROJECT (WDID 5C54CR00079), TULARE COUNTY

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, Pamela C. Creedon. This Order is issued to the California Department of Transportation for the Tulare to Goshen SR 99 Six Lane (South Segment) Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the California Department of Transportation 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.

If you require further assistance, please contact me by phone at 559-445-6281 or by email at debra.mahnke@waterboards.ca.gov. You may also contact Matt Scroggins, Senior Engineer, by phone at 559-445-6042 or by email at matt.scroggins@waterboards.ca.gov.

Debra Mahnke
Water Resource Control Engineer
Central Valley Water Quality Control Board

Enclosures (2): Order for Tulare to Goshen SR 99 Six Lane (South Segment) Project
Water Quality Order No. 2003-0017-DWQ

cc: See following page

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 4 May 2018

Expiration Date: 4 May 2023

Reg. Meas. ID:	416613
Place ID:	821344
WDID:	5C54CR00079
USACOE#:	SPK-2017-00395, NW 14

Program Type: Fill/Excavation

Project Type: Bridges, Overpasses and Crossings

Project: Tulare to Goshen SR 99 Six Lane (South Segment) (Project)

Applicant: California Department of Transportation

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of California Department of Transportation (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 21 September 2017. The application was deemed complete on 17 October 2017.

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

Table 1 Record of Supplemental Application Information

Date of Request for Supplemental Information	Date all requested information was received.
17 October 2017	24 April 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 13 October 2017 to 3 November 2017. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

Completion of the project would improve the operational characteristics of this segment of State Route 99 by relieving congestion, and reducing delays and the number of accidents. The Project will allow for an additional traffic lane to increase the capacity of the freeway to accommodate current and future traffic volumes, and will provide a continuous six-lane freeway from the cities of Tulare to Goshen.

IV. Project Description

The project will include:

- Extending the Packwood Creek Bridge 17 feet to the east. The structure will have a 30-foot center span with 7-foot cantilever end spans at both the beginning and end of the bridge. Approximately 145 cubic yards from the banks will be excavated to accommodate the extended abutment wing-walls.
- Replacing the Cameron Creek Bridge. The existing double box culvert with wing walls, consisting of a total of approximately 298 cubic yards of structural concrete, will be removed. Approximately 170 cubic yards of soil will be excavated. The replacement structure will be a 30-foot clear span cast-in-place 2-foot thick slab bridge approximately 35 feet long and 152 feet wide on the center line. The increased width will accommodate both J Street and the northbound State Route 99 onramp.
- Constructing a new double box culvert in the Tulare Irrigation Canal. A new double box culvert will be cast-in-place within the canal to accommodate the new frontage road FR-1, which will reroute the J Street 99 onramp to the Tagus intersection at Avenue 264. Culvert work will occur within the channel for a total of approximately 10 working days, and all falsework and excess materials will be removed from the channel upon completion of the culvert.

V. Project Location

The Project is located in Tulare County, California at three sites on State Route 99 (SR) between post mile (PM) 30.6 and 35.2.

1. Packwood Creek Bridge 46-0013, SR 99 at PM 34.8.

2. Cameron Creek Bridge 46-0053Y, J Street at SR 99 on-ramp at SR 99 PM 32.9.

3. Tulare Irrigation Canal Box Culvert, located at the proposed new frontage road FR-1 to be constructed for the new J street and 99 on-ramp connector at Tagus Avenue.

Maps showing the Project locations and impact areas 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 Tulare Lake Basin, Second Edition, revised July 2016 (Basin Plan). The plan for the region and other plans and policies may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

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

Table 2: Total Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact[1]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY[2]	LF[2]	Acres	CY[2]	LF[2]	Acres	CY[2]	LF[2]
Stream Channel	0.090	--	185	0.086	--	325	--	--	--

VIII. Description of Indirect Impacts to Waters of the State

Not Applicable.

IX. Avoidance and Minimization

Best management practices (BMPs) to protect water quality will be implemented during construction. The contractor will follow steps to eliminate water quality impacts as stated in Caltrans Standard Specification section 13 (Water Quality). The Contractor will submit a Storm Water Pollution Prevention Plan for review prior to construction to prevent impacts to

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

[2] Cubic Yards (CY); Linear Feet (LF)

water quality. Work will be conducted when the channels are dry. BMPs will include job site management, silt fencing, fiber rolls, erosion control, hydro-seeding, material and equipment fueling specifications and containment, and spill prevention and control.

X. Compensatory Mitigation

To mitigate for the permanent loss of 0.086 acres of waters of the United States, Caltrans shall purchase 0.12 aquatic resource credits from the National Fish and Wildlife Foundation's (NFWF) Sacramento District California In-Lieu Fee Program for the Kaweah/Tule River Service Area. The Permittee will create 0.024 acres of ephemeral stream channel onsite. Additionally, the Permittee shall restore 0.09 acres of temporary impacts to pre-construction contours and conditions upon completion of construction activities.

XI. California Environmental Quality Act (CEQA)

On 25 February 2009, the California Department of Transportation, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2008081020) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 March 2009. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee of $720 was received on 25 September 2017. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of $3,411 based on total Project impacts was received on 23 April 2018.

XIV. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

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

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleyfresno@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. **Annual Reporting:** The Permittee shall submit an Annual report on the anniversary of the Project effective date. 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.

   b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

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

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

   a. **Accidental Discharges of Hazardous Materials**[4]

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

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

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

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

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

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

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

c. Modifications to Project

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

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

i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

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

C. Water Quality Monitoring

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

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- Not applicable

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

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any

new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

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

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition

constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

F. Construction General Permit Requirement - The California Department of Transportation shall comply with the Construction General NPDES Permit Order No. 2009-0009-DWQ (NPDES No. CAS 000002) issued by the State Water Resources Control Board.

G. 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.

H. Construction

1. Dewatering – Not applicable

2. 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.

3. 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.

4. Invasive Species and Soil Borne Pathogens

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

5. 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.

6. Special Status Species

Prior to any construction activities or construction preparation activity, the Permittee shall ensure that temporary construction barrier fencing, silt fencing, and/or flagging is installed between the work area and environmentally sensitive habitat areas (i.e., waters of the U.S. and state, special-status species habitat, active bird/raptor nests to be avoided), as appropriate. Construction personnel shall avoid these areas.

7. 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.

8. 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 Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; 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.

I. Compensatory Mitigation for Permanent Impacts[5] and Mitigation for Temporary Impacts

1. Total Required Compensatory Mitigation

a. Total required Project compensatory mitigation information for permanent and temporary physical loss of area is summarized in Table 5. 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.

b. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that

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

the performance standards have not been met or are not likely to be met within the monitoring period.

Table 5: Total Compensatory Mitigation Quantity for Permanent and Temporary Physical Loss of Area[6]

Aquatic Resource Type	Comp Mit. Type[7]	Units	Method[8]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres	0.024	--	--	0.090	--	--
Stream Channel	ILF	Acres	--	--	--	--	--	0.12

J. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project no longer qualifies for a categorical exemption. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Tulare to Goshen SR 99 Six Lane (South Segment), 5C54CR00079, 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),

[6] For Staff use only: Record quantities in CIWQS table side A for Compensatory Mitigation for Permanent Physical Loss of Area.

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

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

303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Clay L. Rodgers

for Pamela C. Creedon
Executive Officer
Central Valley Regional Water Quality Control Board

4 May 2018
Date

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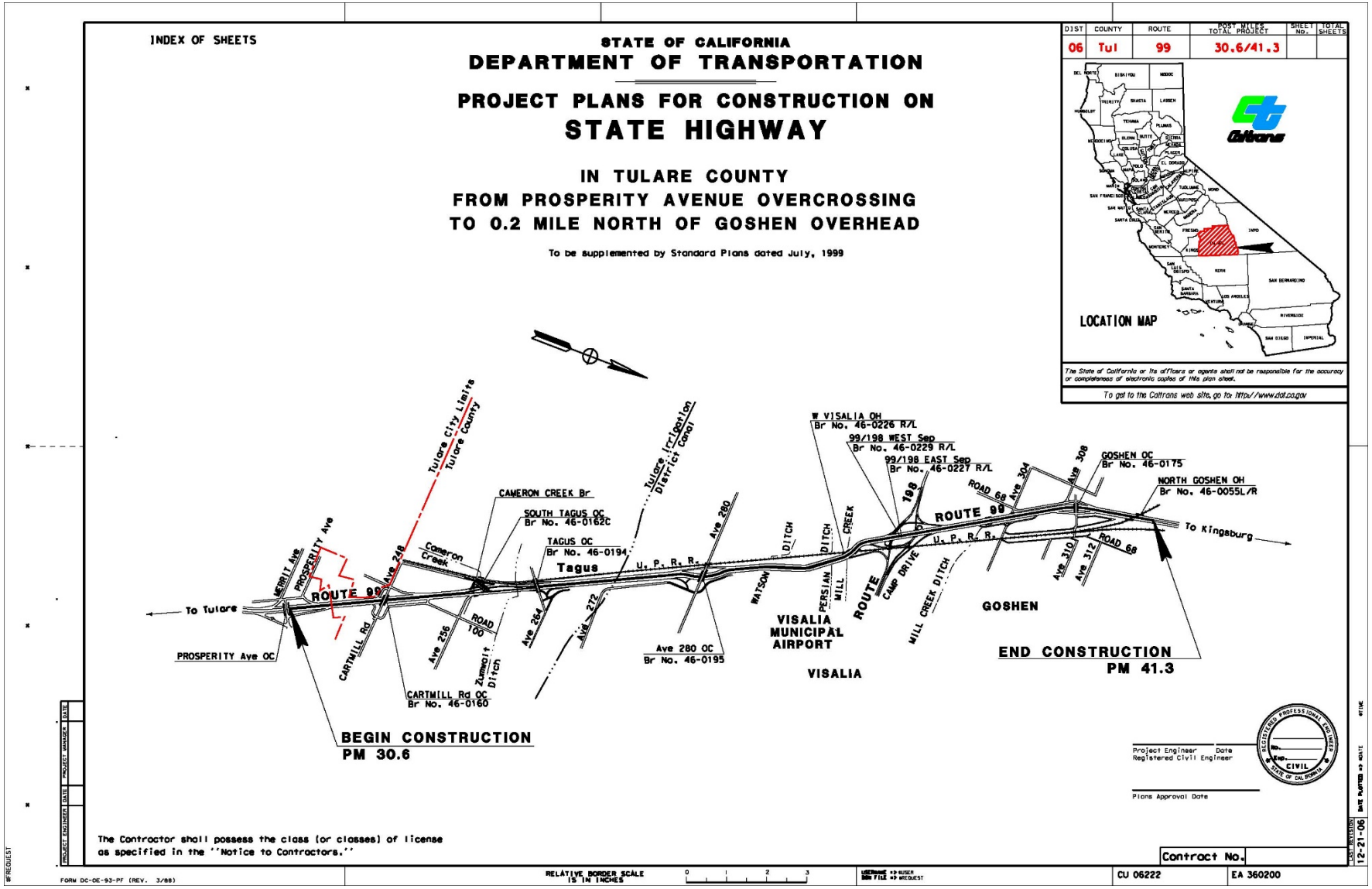
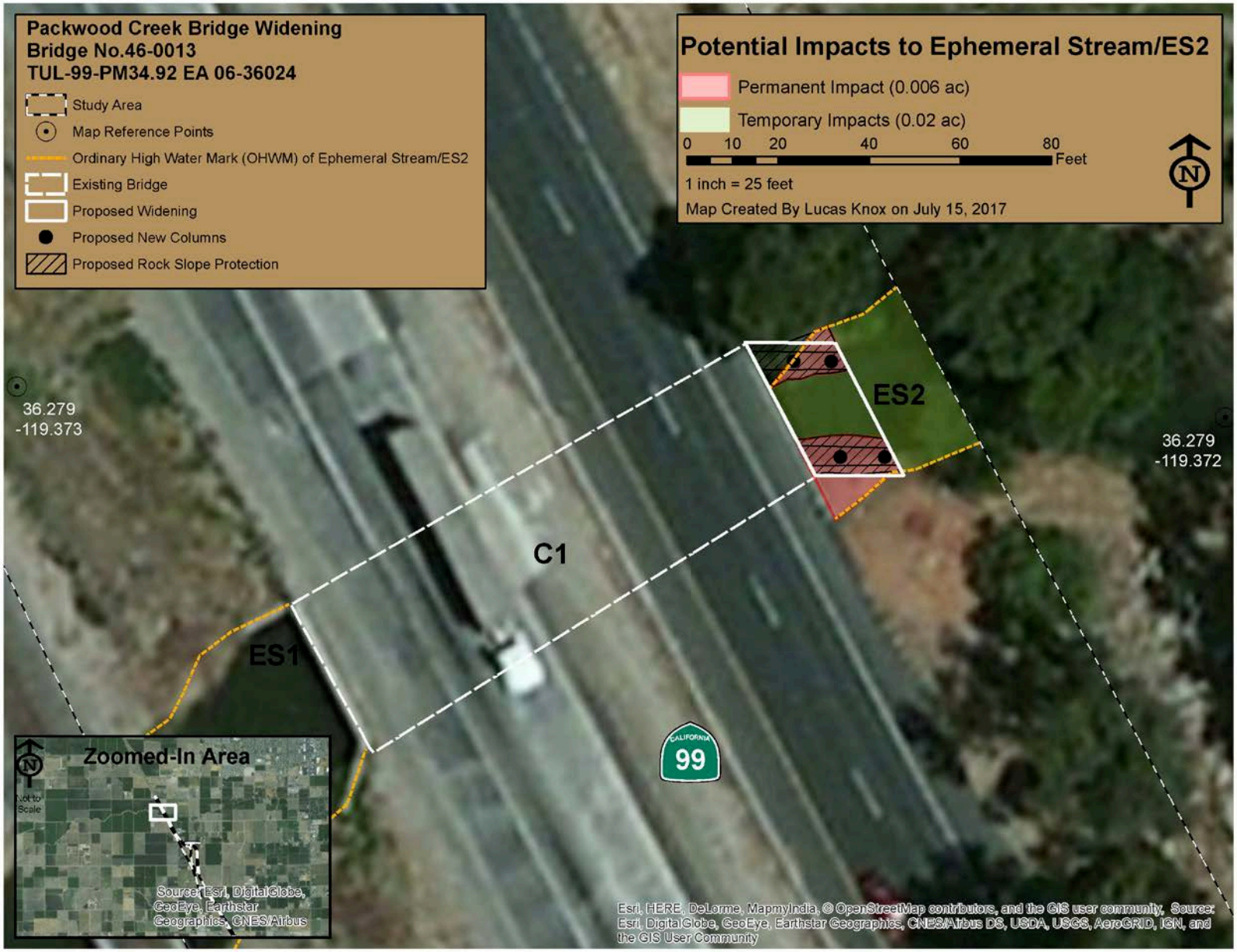
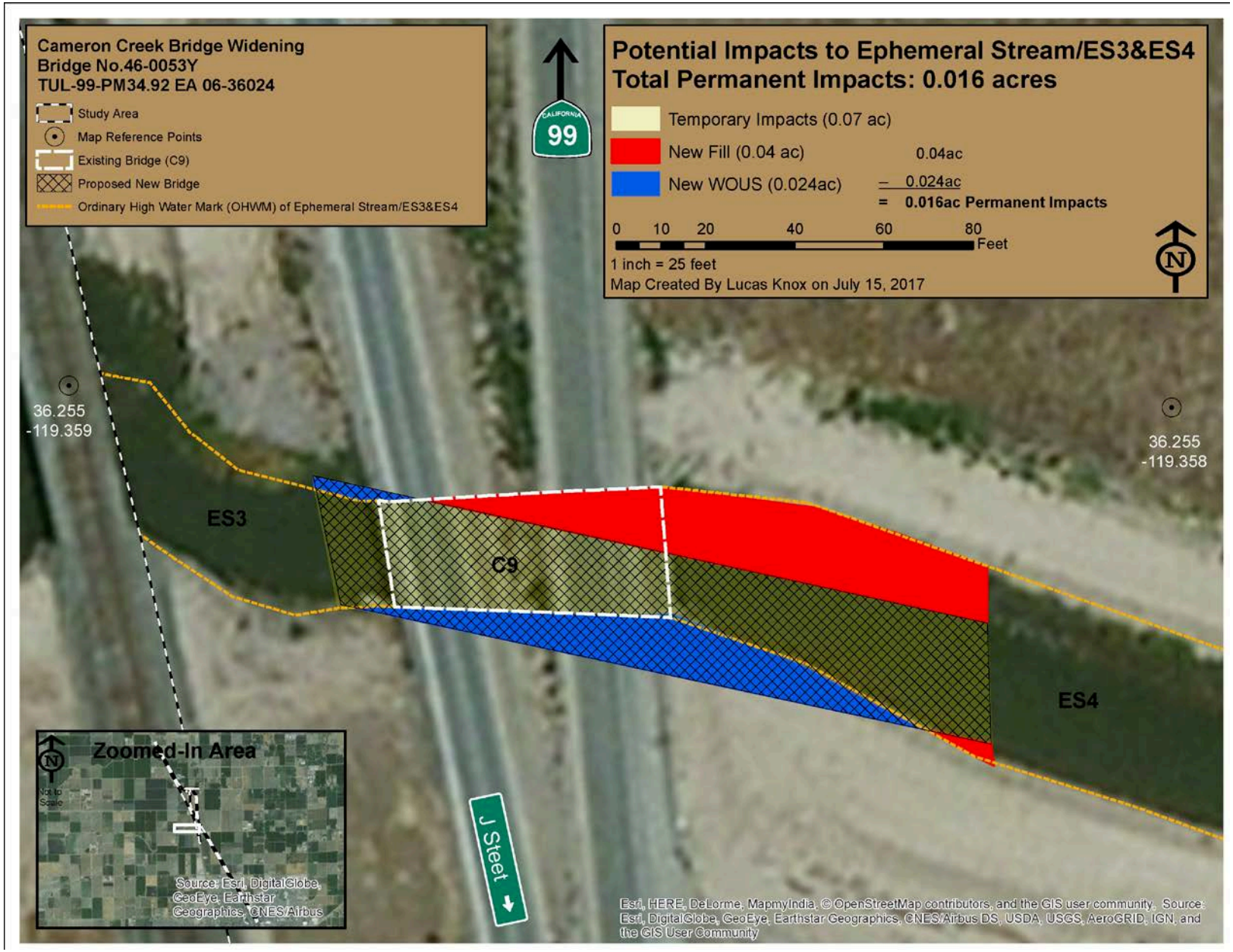
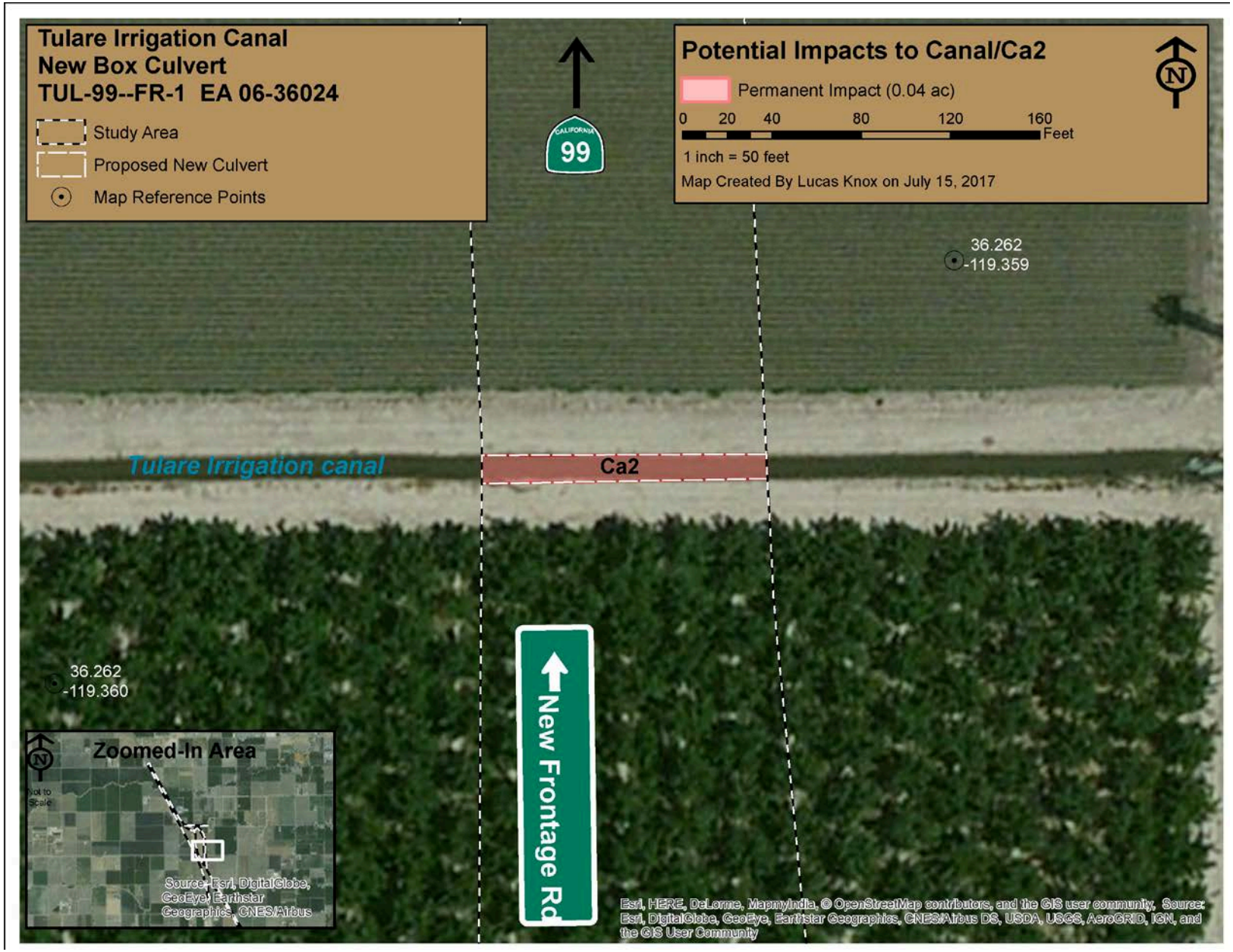
Attachment C	CEQA Findings of Facts
Attachment D	Report and Notification Requirements
Attachment E	Signatory Requirements
Attachment F	Certification Deviation Procedures


INDEX OF SHEETS
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN TULARE COUNTY
FROM PROSPERITY AVENUE OVERCROSSING
TO 0.2 MILE NORTH OF GOSHEN OVERHEAD
To be supplemented by Standard Plans dated July, 1999
DIST 06
COUNTY Tul
ROUTE 99
POST MILES TOTAL PROJECT 30.6/41.3
SHEET No.
TOTAL SHEETS
LOCATION MAP
The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.
To get to the Caltrans web site, go to: http://www.dot.ca.gov
Tulare city Limits
Tulare County
Tulare Irrigation District Canal
CAMERON CREEK Br
SOUTH TAGUS OC
Br No. 46-0162C
TAGUS OC
Br No. 46-0194
Tagus
W VISALIA OH
Br No. 46-0226 R/L
99/198 WEST Sep
Br No. 46-0229 R/L
99/198 EAST Sep
Br No. 46-0227 R/L
GOSHEN OC
Br No. 46-0175
NORTH GOSHEN OH
Br No. 46-0055L/R
To Kingsburg
To Tulare
PROSPERITY Ave OC
CARTMILL Rd OC
Br No. 46-0160
Ave 280 OC
Br No. 46-0195
VISALIA MUNICIPAL AIRPORT
VISALIA
GOSHEN
ROUTE 99
BEGIN CONSTRUCTION
PM 30.6
END CONSTRUCTION
PM 41.3
Project Engineer Date
Registered Civil Engineer
Plans Approval Date
The Contractor shall possess the class (or classes) of license as specified in the "Notice to Contractors."
Contract No.
FORM DC-OE-93-PF (REV. 3/88)
RELATIVE BORDER SCALE IS IN INCHES
CU 06222
EA 360200
12-21-06


Packwood Creek Bridge Widening
Bridge No.46-0013
TUL-99-PM34.92 EA 06-36024
Study Area
Map Reference Points
Ordinary High Water Mark (OHWM) of Ephemeral Stream/ES2
Existing Bridge
Proposed Widening
Proposed New Columns
Proposed Rock Slope Protection
Potential Impacts to Ephemeral Stream/ES2
Permanent Impact (0.006 ac)
Temporary Impacts (0.02 ac)
0 10 20 40 60 80 Feet
1 inch = 25 feet
Map Created By Lucas Knox on July 15, 2017
N
36.279
-119.373
36.279
-119.372
ES2
C1
ES1
99
Zoomed-In Area
Not to Scale
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


Cameron Creek Bridge Widening
Bridge No.46-0053Y
TUL-99-PM34.92 EA 06-36024
Study Area
Map Reference Points
Existing Bridge (C9)
Proposed New Bridge
Ordinary High Water Mark (OHWM) of Ephemeral Stream/ES3&ES4
Potential Impacts to Ephemeral Stream/ES3&ES4
Total Permanent Impacts: 0.016 acres
Temporary Impacts (0.07 ac)
New Fill (0.04 ac)
0.04ac
New WOUS (0.024ac)
– 0.024ac
= 0.016ac Permanent Impacts
0 10 20 40 60 80
Feet
1 inch = 25 feet
Map Created By Lucas Knox on July 15, 2017
99
36.255
-119.359
36.255
-119.358
ES3
C9
ES4
Zoomed-In Area
Not to Scale
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
J Steet
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


Tulare Irrigation Canal
New Box Culvert
TUL-99--FR-1 EA 06-36024
Study Area
Proposed New Culvert
Map Reference Points
CALIFORNIA
99
Potential Impacts to Canal/Ca2
Permanent Impact (0.04 ac)
0 20 40 80 120 160
Feet
1 inch = 50 feet
Map Created By Lucas Knox on July 15, 2017
N
36.262
-119.359
Tulare Irrigation canal
Ca2
36.262
-119.360
New Frontage Rd
Zoomed-In Area
Not to Scale
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Receiving Waters

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

Table 1: Receiving Water(s) Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID[9]
001	Packwood Creek	Stream Channel	558.10	Tulare Lake Basin, South Valley Floor Waters	AGR, IND, PRO, REC1, REC2, WARM, WILD, RARE, GWR	(N/A)	(N/A)
002	Cameron Creek	Stream Channel	558.10	Tulare Lake Basin, South Valley Floor Waters	AGR, IND, PRO, REC1, REC2, WARM, WILD, RARE, GWR	(N/A)	(N/A)
003	Tulare Irrigation Canal	Stream Channel	558.10	Tulare Lake Basin, South Valley Floor Waters	AGR, IND, PRO, REC1, REC2, WARM, WILD, RARE, GWR	(N/A)	(N/A)

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

Individual Direct Impact Locations

Table 2: Individual Direct Impact Information

Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
001	36º 16' 44.10"	-119º 22' 21.06"	☐	☒	Temporary	--	--	--	0.020	--	35
					Permanent	--	--	--	0.006	145	35
002	36º 15' 18.32"	-119º 21' 31.06"	☐	☒	Temporary	--	--	--	0.070	--	150
					Permanent	--	--	--	0.040	170	150
003	36º 15' 42.72"	-119º 21' 32.58"	☐	☒	Temporary	--	--	--	--	--	--
					Permanent	--	--	--	0.040	130	140

CEQA Findings of Facts

A. Environmental Review

On 25 February 2009, the California Department of Transportation, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2008081020) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 March 2009. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the California Department of Transportation's adopted environmental document comports 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 California Department of Transportation addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by California Department of Transportation 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: 2015 E. Shields Avenue, Suite 100, Fresno, CA 93726.

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 resources that were mitigated in the IS/MND. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15070.)

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the conditions in this Order, will not result in any significant adverse water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd (h).)

Copies of this Form

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

1. Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml

2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting (see your Order for specific reports required for your Project).

- **Part A (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: centralvalleyfresno@waterboards.ca.gov and cc: Debra.Mahnke@waterboards.ca.gov
- Include in the subject line of the email:
  Subject: ATTN: 401 Certification; Reg. Measure ID: 416613_Report

Definition of Reporting Terms

1. **<u>Active Discharge Period:</u>** 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. **<u>Request for Notice of Completion of Discharges Letter:</u>** 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:** Date of Order issuance.

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

Project:	Tulare to Goshen SR 99 Six Lane (South Segment)		
Permittee:	California Department of Transportation		
Reg. Meas. ID:	416613	**Place ID:**	821344
Order Effective Date:	4 May 2018		
Order Expiration Date:	4 May 2023		

Report Type Submitted

Part A – Project Reporting	
Report Type 1	☐ **Monthly Report**
Report Type 2	☐ **Annual Report**
Part B - Project Status Notifications	
Report Type 3	☐ **Commencement of Construction**
Report Type 4	☐ **Request for Notice of Completion of Discharges Letter**
Report Type 5	☐ **Request for Notice of Project Complete Letter**
Part C - Conditional Notifications and Reports	
Report Type 6	☐ **Accidental Discharge of Hazardous Material Report**
Report Type 7	☐ **Violation of Compliance with Water Quality Standards Report**
Report Type 8	☐ **In-Water Work/Diversions Water Quality Monitoring Report**
Report Type 9	☐ **Modifications to Project Report**
Report Type 10	☐ **Transfer of Property Ownership Report**
Report Type 11	☐ **Transfer of Long-Term BMP Maintenance Report**
Report Type 12	☐ **Other Report**

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

Print Name [1]	**Affiliation and Job Title**
Signature	**Date**

[1]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 (see your Order for specific reports required for your Project)

Report Type 1	**Monthly Report**
Report Purpose	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	Beginning 60 days from beginning of construction until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	**1. Construction Summary** Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs[1]). If construction has not started, provide estimated start date. **2. Event Summary** Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. **3. Photo Summary** Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. **4. Compliance Summary** **a)** List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. **b)** List associated monitoring reports for the reporting period. **c)** Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. **d)** Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

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

Report Type 2	**Annual Report**
Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the anniversary of the Order effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	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. **<u>During the Active Discharge Period</u>** • **Topic 1: Construction Summary** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status** **<u>During the Post-Discharge Monitoring Period</u>** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status**
Annual Report Topics (1-3)	
Annual Report Topic 1	**Construction Summary**
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	**1.** Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. **2.** Map showing general Project progress. **3.** If applicable: **a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below). **b.** Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	**Mitigation for Temporary Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	**1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.** **2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	**Compensatory Mitigation for Permanent Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents	***If not applicable report N/A.** **Part A. Permittee Responsible** **1.** Planned date of initiation of compensatory mitigation site installation**.** **2.** If installation is in progress, a map of what has been completed to date. **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. **Part B. Mitigation Bank or In-Lieu Fee** **1.** Status or proof of purchase of credit types and quantities. **2.** Include the name of bank/ILF Program and contact information. **3.** If ILF, location of project and type if known.

Part B – Project Status Notifications (see your Order for specific reports required for your Project)

Report Type 3	**Commencement of Construction**
Report Purpose	Notify Central Valley Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	**1.** Date of commencement of construction. **2.** Anticipated date when discharges to waters of the state will occur. **3.** Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. **4.** Construction Storm Water General Permit WDID No.

Report Type 4	**Request for Notice of Completion of Discharges Letter**
Report Purpose	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	**1.** Status of storm water Notice of Termination(s), if applicable. **2.** Status of post-construction storm water BMP installation. **3.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. **4.** Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. **5.** An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 5	**Request for Notice of Project Complete Letter**
Report Purpose	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	**Part A: Mitigation for Temporary Impacts** **1.** A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. **2.** A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. **Part B: Permittee Responsible Compensatory Mitigation** **3.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. **4.** Status on the implementation of the long-term maintenance and management plan and funding of endowment. **5.** Pre- and post-photo documentation of all compensatory mitigation sites. **6.** Final maps of all compensatory mitigation areas (including buffers). **Part C: Post-Construction Storm Water BMPs** **7.** Date of storm water Notice of Termination(s), if applicable. **8.** Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports(see your Order for specific reports required for your Project)

Report Type 6	**Accidental Discharge of Hazardous Material Report**
Report Purpose	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
Report Contents	**1.** The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. **2.** If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. **3.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 7	**Violation of Compliance with Water Quality Standards Report**
Report Purpose	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.

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

Report Type 8	**In-Water Work and Diversions Water Quality Monitoring Report**
Report Purpose	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
When to Submit	Seven (7) days prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

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

Report Type 10	**Transfer of Property Ownership Report**
Report Purpose	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	**1.** A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: **a.** the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and **b.** responsibility for compliance with any long-term BMP[2] maintenance plan requirements in this Order. **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.

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

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

Report Type 12	**Other Report**
Report Purpose	Required by Order condition.
When to Submit	As stated within the Order.
Report Contents	As stated within the Order.

SIGNATORY REQUIREMENTS

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

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:

   a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
   b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
   c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

   a) The authorization is made in writing by a person described in items 1.a through 1.c above.
   b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
   c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

3. Any person signing a document under this section shall make the following certification:

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

CERTIFICATION DEVIATION PROCEDURES

Introduction

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

Process Steps

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

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

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

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

Post-Discharge Certification Deviation Reporting:

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

Annual Summary Deviation Report:

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

STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. 2003 - 0017 - DWQ

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES THAT HAVE RECEIVED STATE WATER QUALITY CERTIFICATION (GENERAL WDRs)

The State Water Resources Control Board (SWRCB) finds that:

1. Discharges eligible for coverage under these General WDRs are discharges of dredged or fill material that have received State Water Quality Certification (Certification) pursuant to federal Clean Water Act (CWA) section 401.

2. Discharges of dredged or fill material are commonly associated with port development, stream channelization, utility crossing land development, transportation water resource, and flood control projects. Other activities, such as land clearing, may also involve discharges of dredged or fill materials (e.g., soil) into waters of the United States.

3. CWA section 404 establishes a permit program under which the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged or fill material into waters of the United States.

4. CWA section 401 requires every applicant for a federal permit or license for an activity that may result in a discharge of pollutants to a water of the United States (including permits under section 404) to obtain Certification that the proposed activity will comply with State water quality standards. In California, Certifications are issued by the Regional Water Quality Control Boards (RWQCB) or for multi-Region discharges, the SWRCB, in accordance with the requirements of California Code of Regulations (CCR) section 3830 et seq. The SWRCB's water quality regulations do not authorize the SWRCB or RWQCBs to waive certification, and therefore, these General WDRs do not apply to any discharge authorized by federal license or permit that was issued based on a determination by the issuing agency that certification has been waived. Certifications are issued by the RWQCB or SWRCB before the ACOE may issue CWA section 404 permits. Any conditions set forth in a Certification become conditions of the federal permit or license if and when it is ultimately issued.

5. Article 4, of Chapter 4 of Division 7 of the California Water Code (CWC), commencing with section 13260(a), requires that any person discharging or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State,[1] file a report of waste discharge (ROWD). Pursuant to Article 4, the RWQCBs are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC section 13269. These General WDRs fulfill the requirements of Article 4 for proposed dredge or fill discharges to waters of the United States that are regulated under the State's CWA section 401 authority.

[1] "Waters of the State" as defined in CWC Section 13050(e)

6. These General WDRs require compliance with all conditions of Certification orders to ensure that water quality standards are met.

7. The U.S. Supreme Court decision of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (the *SWANCC* decision) called into question the extent to which certain "isolated" waters are subject to federal jurisdiction. The SWRCB believes that a Certification is a valid and enforceable order of the SWRCB or RWQCBs irrespective of whether the water body in question is subsequently determined not to be federally jurisdictional. Nonetheless, it is the intent of the SWRCB that all Certification conditions be incorporated into these General WDRs and enforceable hereunder even if the federal permit is subsequently deemed invalid because the water is not deemed subject to federal jurisdiction.

8. The beneficial uses for the waters of the State include, but are not limited to, domestic and municipal supply, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources.

9. Projects covered by these General WDRs shall be assessed a fee pursuant to Title 23, CCR section 3833.

10. These General WDRs are exempt from the California Environmental Quality Act (CEQA) because (a) they are not a "project" within the meaning of CEQA, since a "project" results in a direct or indirect physical change in the environment (Title 14, CCR section 15378); and (b) the term "project" does not mean each separate governmental approval (Title 14, CCR section 15378(c)). These WDRs do not authorize any specific project. They recognize that dredge and fill discharges that need a federal license or permit must be regulated under CWA section 401 Certification, pursuant to CWA section 401 and Title 23, CCR section 3855, et seq. Certification and issuance of waste discharge requirements are overlapping regulatory processes, which are both administered by the SWRCB and RWQCBs. Each project subject to Certification requires independent compliance with CEQA and is regulated through the Certification process in the context of its specific characteristics. Any effects on the environment will therefore be as a result of the certification process, not from these General WDRs. (Title 14, CCR section 15061(b)(3)).

11. Potential dischargers and other known interested parties have been notified of the intent to adopt these General WDRs by public hearing notice.

12. All comments pertaining to the proposed discharges have been heard and considered at the November 4, 2003 SWRCB Workshop Session.

13. The RWQCBs retain discretion to impose individual or general WDRs or waivers of WDRs in lieu of these General WDRs whenever they deem it appropriate. Furthermore, these General WDRs are not intended to supersede any existing WDRs or waivers of WDRs issued by a RWQCB.

IT IS HEREBY ORDERED that WDRs are issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of CWA section 401 of the federal Clean Water Act (Title 33 United States Code section 1341), and such certification has been issued by the applicable RWQCB or the SWRCB, unless the applicable RWQCB notifies the applicant that its discharge will be regulated through WDRs or waivers of WDRs issued by the RWQCB. In order to meet the provisions contained in Division 7 of CWC and regulations adopted thereunder, dischargers shall comply with the following:

1. Dischargers shall implement all the terms and conditions of the applicable CWA section 401 Certification issued for the discharge. This provision shall apply irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction.

2. Dischargers are prohibited from discharging dredged of fill material to waters of the United States without first obtaining Certification from the applicable RWQCB or SWRCB.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 19, 2003.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton
Nancy H. Sutley

NO: None.

ABSENT: None.

ABSTAIN: None.

Debbie Irvin
Clerk to the Board