



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 20 March 2023

Expiration Date: 19 March 2028

Program Type: Fill/Excavation

Reg. Meas. ID:	450825
Place ID:	885556
WDID No.:	5B50CR00109
USACE No.:	SPK-2023-00028
	NWP 14

Project Type: Bridges, Overpasses and Crossings

Project: River Road over San Joaquin River Bridge (39C0001)
Replacement Project (Project)

Applicant: Stanislaus County Department of Public Works

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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 Stanislaus County Department of Public Works (hereinafter Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 17 January 2023. The application was deemed complete on 16 February 2023.

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 20 January 2023 to 10 February 2023. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to replace the existing 647-foot-long and 32-foot-wide bridge with a 750-foot-long and 38-foot-wide bridge to provide long-term safe vehicular access across the San Joaquin River. The existing bridge is subject to damage or collapse in response to seismic activities and is scour critical due to expected erosion and deep scour at several piers.

IV. Project Description

The Project will remove the existing bridge and replace it with a new crossing that raises the profile approximately 9 feet to allow longer and fewer spans than the existing bridge while maintaining the required freeboard above the anticipated flood events.

The new bridge will be supported on reinforced concrete single column piers with cast-in-drilled-hole (CIDH) concrete piles and reinforced concrete seat type abutments supported on CIDH concrete piles. Abutments will be aligned parallel with the predominant channel flow direction. Construction activities will include pier foundation construction; excavation, backfill, and form-reinforce-pour operations for the new bridge substructure elements; and erection (and eventual removal) of an access trestle and falsework/formwork. Removal activities will include demolition of the existing bridge superstructure and substructure elements, including excavation and removal of foundations to approximately 5 feet below grade. In Stage 1 of the Project, the two-lane replacement structure will be constructed during the initial "in-water" work window from June 1 to October 15. In Stage 2, the removal of the existing bridge will be completed.

The CIDH concrete piling will be constructed using temporary steel casing to keep the drilled holes from collapsing. The casings may be driven, vibrated rotated or oscillated into the soils. If the casings are driven and the water level is high such that water surrounds the casing during driving, then a bubble curtain will likely be required to reduce the magnitude of sound waves through the water to protect fish. Due to the expected high water table during pile construction and possible artesian

conditions, slurries will likely be needed within the casings and drilled holes. Slurries will be reused from pile to pile and will be stored in Baker tanks. Slurries will not be allowed to enter the water.

Two temporary access trestles will be constructed as part of the proposed project construction operations. One trestle will be constructed approximately 90 feet north of the existing bridge centerline to facilitate construction of the replacement structure during Stage 1. A second trestle may be constructed 40 feet south of the existing bridge centerline to facilitate removal of the existing bridge during Stage 2. Both temporary trestles will be removed at the conclusion of the applicable construction stage. Both trestles will likely consist of either pipe piles or H-piles driven into the water at approximately 20-ft centers. Steel cap beams and stringers will be attached onto the piles and crane mats placed to form a working surface approximately 40 feet wide. Fingers of additional trestle may be placed perpendicular to the main Stage 1 trestle spanning the waterway to allow construction of the approximately 8-foot diameter cast-in-drilled-hole concrete piles for the new piers. The trestle will remain in place to service the construction of the new bridge. Depending on the outcome of hydraulic modeling and the conditions of the current water year, the trestle may remain in place over winter. Since it will be at a lower elevation than the new bridge, the project specifications will require that the deck and stringers of the trestle be removable in case of rising water.

Falsework to support the new cast-in-place box girder structure will likely be a combination of driven pipe piling and timber posts on timber pads. The piles will be driven from cranes that will travel on land and on the trestles. Piles will likely be 16-inch diameter pipe piles at 30-foot centers across the full length of the new bridge construction and at potentially 10-foot centers transversely. Depending on the progress of the contractor, it may be necessary for falsework to remain in place through the winter. After the new bridge is completed, the work trestle will be used to disassemble the falsework below the new bridge then the work trestle will be removed in the reverse of how it was constructed, from the middle to the edges. Piles in the falsework or work trestle that cannot be removed by vibrating them out, will be cut off at the mudline.

After the new bridge is open to traffic, the existing bridge will be removed. For portions to be demolished over water, the demolition would likely be done from another work trestle built upstream of the old bridge or by working from the deck of the old bridge and working backwards during the removal. During removal of any part of the existing bridge, a debris collection device (e.g., heavy tarps, chain link mats) shall be installed below the bridge to prevent debris from falling into the San Joaquin River and left in place until removal is complete. Within the floodplain, pier walls and footings, as well as piling, will be removed approximately 5 feet below grade. Removal of in-water piers, footings and piling will require the use of temporary cofferdams to allow the concrete elements of the piers to be exposed and removed in the dry. Cofferdams, approximately 12 feet wide and 36 feet long, will require sheet piling to be vibrated into place around each existing pier. Upon

completion of the bridge removal operations inside the cofferdams, the sheet piles would be vibrated out.

V. Project Location

County: Stanislaus

Nearest City: Newman

Section 3, 4, 9, 16, 17 Township 7 South, Range 9 East, MDB&M.

Latitude: 37.347946° and Longitude: -120.976837°

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](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

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

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	1.121	423	700
Wetland	0.203	77	700

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.024	11	20
Wetland	0.003	40	10

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Increased turbidity, debris entering the stream channel, and spills of hazardous materials are potential indirect impacts that may occur from project activities. With implementation of the avoidance and minimization measures and best management practices described by the permittee, indirect impacts are not anticipated to occur.

IX. Avoidance and Minimization

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

- Staging areas, access routes, and construction areas shall be located outside of wetland and riparian areas to the maximum extent practicable.
- Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMP) Manual (including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Plan (WPCP) Manuals) shall be implemented to minimize effects to the red willow thickets community resulting from erosion, siltation, etc. during construction.
- A SWPPP will be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction

¹ Includes only temporary direct impacts to waters of the state and does not include area 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.

Activities (on file with the Central Valley Water Board). The SWPPP will contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.

- All upland areas temporarily impacted during project construction will be restored to preconstruction contours (if necessary) and revegetated with native species. Invasive exotic plants will be controlled to the maximum extent practicable.
- All in-water work associated with the proposed project shall be conducted between June 1 and October 15.
- Brightly colored ESA fencing shall be placed along the limits of work to prevent unnecessary encroachment into the San Joaquin River. Fencing shall be maintained in good condition for the duration of construction activities.
- During removal of any part of the existing bridge, a debris collection device (e.g., barges, heavy tarps, chain link mats) shall be installed below the bridge to prevent debris from falling into the San Joaquin River and left in place until removal is complete.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

XI. California Environmental Quality Act (CEQA)

On July 13, 2021, the Stanislaus County Department of Public Works, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2020100593) for the Project and filed a Notice of Determination (NOD) at the SCH on July 22, 2021. 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 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

A project fee of \$32,894.00 was received on 20 January 2023. 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.

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 Tables 1 through 2.

B. Reporting and Notification Requirements

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

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

In the subject line of the email, include the Central Valley Water Board Contact, Project Name, and WDID No. 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 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of April beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) 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.
- 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, and no further Project activities will occur. 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. 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.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials²:

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be

² "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, Section 25501.)

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 the [Office of Emergency Services' Accidental Discharge Notification Web page](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.
 - iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards:

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

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

c. In-Water Work and Diversions:

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

d. Modifications to Project:

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to

Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership:

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

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

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

If surface water is present, 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). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. 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:

During planned in-water work, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
- 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.

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

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks 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.

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.

Table 3: Sample Type and Frequency Requirements

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

³ 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.

⁴ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

4. Post-Construction:

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

D. Standard

- 1.** This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
- 2.** This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the 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 Regional 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) (include title and date of 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; NPDES No. CAS000002), 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 & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. **Lake or Streambed Alteration Agreement:** The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

- a. If water is present, the work area will be completely dewatered prior to start of construction activities.
- b. No dewatering will occur within the Project area.
- c. 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.
- d. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust:

Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

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. Wet concrete will be placed into stream channel habitat after the area has been completely dewatered.
- c. 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

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

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

- a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
- b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.
- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

10. Sediment Control

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along

the embankments from migrating into the waters of the state through the entire duration of the Project.

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

11. Special Status Species

The following special status species are documented to occur near or within the project area: • Bats (Pallid Bat, Western Red Bat, Hoary Bat, Yuma myotis), San Joaquin Pocket Mouse, San Joaquin Kit Fox, Tricolored Blackbird, Burrowing Owl, Swainson's Hawk, Northern Harrier, Loggerhead Shrike, Western Pond Turtle, Central Valley Steelhead, and Valley Elderberry Longhorn Beetle.

12. Stabilization/Erosion Control

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

13. Storm Water

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

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Restoration Mitigation and Monitoring Plan dated December 2022 and incorporated herein by reference.
2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

3. If restoration of temporary impacts to waters of the state is not completed within 365 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.
4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee Responsible	Acres		1.121				
Wetland	Permittee Responsible	Acres		0.203				

K. Compensatory Mitigation for Permanent Impacts:

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

1. Final Compensatory Mitigation Plan:

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Restoration Mitigation and Monitoring Plan (Compensatory Mitigation Plan) dated December 2022 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation 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. Irrevocable Letter of Credit – Not Applicable

3. Permittee-Responsible Compensatory Mitigation Responsibility

- a. Permittee responsible compensatory mitigation installation shall be completed within 365 days of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - i. Performance standards are met.

- ii. A Transfer Agreement to a third party has been approved by Central Valley Water Board staff.
 - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
 - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Central Valley Water Board staff.
- c. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility**
- i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Central Valley Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Central Valley Water Board under Water Code section 13385, subdivision (a).
 - ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Central Valley Water Board staff. A draft transfer agreement is due to Central Valley Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Central Valley Water Board staff within 30 days of the completion of the transfer.

4. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impacts to wetland and stream channel habitat through onsite permittee responsible mitigation.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee-Responsible	Acres		0.018				
Wetland	Permittee-Responsible	Acres		0.084				

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or 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 River Road over San Joaquin River Bridge (39C0001) Replacement Project, WDID # 5B50CR00109, 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). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.).

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

Original Signed by Anne Walters for: _____

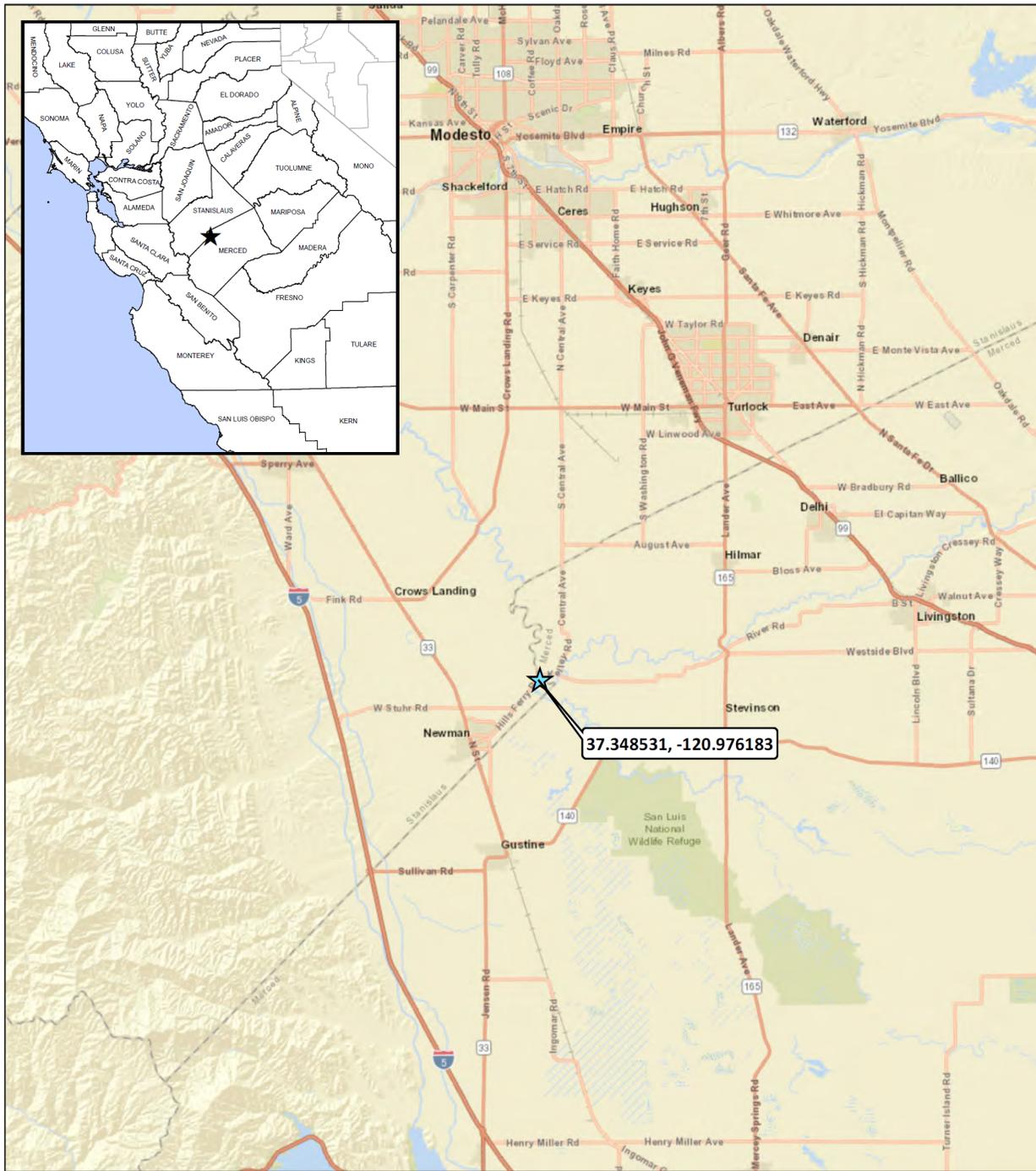
Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

- Attachment A:** Project Maps
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment G:** Compliance with Code of Federal Regulations

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Attachment A – Project Maps

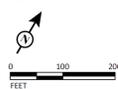
Figure 1: Project Location Map



LEGEND
★ Project Location

FIGURE 1

Figure 2: Project Impacts Map



SOURCE: Basemap- NAIP (2016); Mapping- LSA (01/2018, rev. 05/2019)

LEGEND

- | | | | |
|--|---|---|---|
| Biological Study Area (BSA) - (23.23 ac) | Potential Jurisdictional Waters - (4.72 ac) | Permanent Impacts to Potential Jurisdictional Waters - (0.027 ac) | Temporary Impacts to Potential Jurisdictional Waters - (1.324 ac) |
| Permanent Impact Areas - (2.591 ac) | Non-Wetland Waters - (3.76 ac) | Wetlands - (0.003 ac) | Wetlands - (0.203 ac) |
| Temporary Impact Areas - (5.284 ac) | Wetland - (0.97 ac) | Non-Wetland Waters - (0.024 ac) | Non-Wetland Waters - (1.121 ac) |

FIGURE 9

River Road over San Joaquin River Bridge
(Bridge No. 39C0001) Replacement Project
Stanislaus County, California; Caltrans District 10
Federal Project No. BRLSZ-5938(176)
Impacts to Potential Jurisdictional Waters

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Attachment B – Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	San Joaquin River	San Joaquin River	Stream Channel	541.20	San Joaquin River	AGR, PROC, REC-1, REC-2, WARM, MIGR, SPWN (WARM) WILD	DDE, DDT, Mercury, Specific Conductivity, Temperature, Toxicity, Total Dissolved Solids	
No	Wetland	Wetland	Wetland	541.20	San Joaquin River	AGR, PROC, REC-1, REC-2, WARM, MIGR, SPWN (WARM) WILD	DDE, DDT, Mercury, Specific Conductivity, Temperature, Toxicity, Total Dissolved Solids	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	Restored Wetland	Restored Wetland	Wetland	541.20	San Joaquin River	AGR, PROC, REC-1, REC-2, WARM, MIGR, SPWN (WARM) WILD	DDE, DDT, Mercury, Specific Conductivity, Temperature, Toxicity, Total Dissolved Solids	
No	Restored Stream Channel	San Joaquin River	Stream Channel	541.20	San Joaquin River	AGR, PROC, REC-1, REC-2, WARM, MIGR, SPWN (WARM) WILD	DDE, DDT, Mercury, Specific Conductivity, Temperature, Toxicity, Total Dissolved Solids	

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
San Joaquin River	37.349342	-120.975947	No	1.121	423	700
Wetland	37.349508	-120.975594	No	0.203	77	700

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
San Joaquin River	37.349342	-120.975947	No	0.024	11	20
Wetland	37.349508	-120.975594	No	0.003	40	10

Compensatory Mitigation Information

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

Permittee Responsible Compensatory Mitigation Site Information

Table 4: Onsite Permittee Responsible Compensatory Mitigation Site Information

Impact Site ID	Latitude	Longitude	Aquatic Resource Type	Acres	Linear Feet
Restored Stream Channel	37.349308	-120.975747	Stream Channel	0.018	
Restored Wetland	37.349489	-120.975428	Wetland	0.084	

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 13 July 2021, the Stanislaus County Department of Public Works, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2020100593) for the Project and filed a Notice of Determination (NOD) at the SCH on 20 July 2021. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that the Stanislaus County Department of Public Work's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Stanislaus County Department of Public Works addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the Stanislaus County Department of Public Works for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: Stanislaus County Public Works Department, 1719 Morgan Road, Modesto, CA 95358.

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, are incorporated herein by reference.

C. Findings

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant environmental effect as described in the IS/MND.

a.i. Potential Significant Impact:

A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

Bats

Implementation of **Mitigation Measure BIO-1** would reduce impacts to bats to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-1:** The following measures shall be implemented to avoid and minimize effects to bats:
 1. Prior to bridge demolition, bats shall be excluded from potential day roost habitat on the existing bridge. Exclusion shall occur only during seasonal periods of bat activity when no non-volant young or overwinter bats are present so that no bats are trapped inside the roost features. In this region, the first annual appropriate season to conduct humane eviction is between approximately March 1 and April 15 (or after evening temperatures rise above 45°F, and less than 0.5 in rainfall in 24 hours occurs). The next annual season is after maternity season and prior to winter torpor or hibernation; September 1 through about October 15 (or before evening temperatures fall below 45°F, and prior to greater than 0.5 in rainfall within 24 hours).
 2. Under guidance of a qualified bat biologist experienced with humane bat exclusion procedures on bridges, bat exclusion measures shall be installed during the daytime and shall consist of one-way structures that allow the bats to exit the roost but not re-enter. The exclusion measures shall remain in place and function until the existing bridge deck is removed. The number of exclusion measures installed at each roost location shall be sufficient to allow complete evacuation of all bats.
 3. A qualified biologist with experience assessing trees for bat roosts shall survey all trees to be removed during construction for suitability as bat roosts. Any trees suitable as bat roost shall be removed between the same periods (and conditions) specified in measure 1.
 4. The follow process shall be followed to remove trees identified in measure 3.
 - a) A qualified biologist shall conduct a night emergence survey of the suitable roost tree 1-2 nights prior to tree removal using night vision and/or IR-sensitive camera equipment and bio-

acoustic recording equipment. If surveys are negative, trees shall be removed between the same periods (and conditions) specified in measure 1.

- b) If night emergent surveys are positive, trees shall be removed using a two-step process on two consecutive days, and shall be monitored by a qualified biologist. The first day, small branches and small limbs that do not contain potential roost habitat (e.g., cavities, crevices, exfoliating bark) shall be removed using chainsaws. The second day, the remainder of the tree shall be removed. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration of the tree will cause colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and reoccupation of the altered tree.
5. In-kind replacement of day and night roost habitat shall be provided on the new bridge commensurate with the amount of each habitat identified on the existing bridge, as determined by a qualified biologist with experience assessing bat habitat on bridges.
 6. Demolition of the existing bridge shall not occur until after the new bridge is completed and replacement bat habitat has been installed.

San Joaquin Pocket Mouse

Implementation of **Mitigation Measure BIO-2** would reduce impacts to San Joaquin pocket mouse to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-2:** The following measure shall be implemented to reduce impacts to San Joaquin pocket mouse and tricolored blackbird:
 1. Annual grassland temporarily disturbed during construction shall be revegetated with the native seed mix.

San Joaquin Kit Fox

Implementation of **Mitigation Measure BIO-3** would reduce impacts to San Joaquin Kit Fox to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-3:** The following measures from the USFWS's Standard Recommendations for the Protection of the San Joaquin Kit Fox (SJKF) Prior to or During Ground Disturbance (June 1999) shall be implemented as part of the project:
 1. A preconstruction/pre-activity survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the SJKF.

2. If a natal/pupping den is discovered within the project area or within 200 ft of the project boundary, the USFWS and CDFW shall be immediately notified and under no circumstance should the den be disturbed or destroyed without prior authorization.
3. Project-related vehicles should observe a 20-miles per hour speed limit in all project areas, except on county roads and State and federal highways; this is particularly important at night when SJKF are most active. To the extent possible, night-time construction should be minimized. Off-road traffic outside of the BSA should be prohibited.
4. To prevent inadvertent entrapment of SJKF or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 ft deep should be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured SJKF is discovered, the procedures under number 12 of this measure must be followed.
5. SJKF are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight period should be thoroughly inspected for SJKF before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a SJKF is discovered inside a pipe, that section of pipe should not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from the BSA.
7. No firearms shall be allowed in the BSA.
8. To prevent harassment, mortality of SJKF or destruction of dens by dogs or cats, no pets should be permitted in the project area.
9. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of SJKF and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other

State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of proven lower risk to SJKF.

10. A representative shall be appointed by Stanislaus County who will be the contact source for any employee or contractor who might inadvertently kill or injure a SJKF or who finds a dead, injured, or entrapped individual. The representative shall be identified during the employee education program. The representative's name and telephone number shall be provided to the USFWS and CDFW.
11. An employee education program shall be conducted. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the project. The program should include the following: a description of the SJKF and its habitat needs; a report of the occurrence of SJKF in the project area; an explanation of the status of the species and its protection under the Federal Endangered Species Act and California Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the BSA.
12. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be recontoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS and CDFW and revegetation experts.
13. In the case of trapped animals, escape ramps, or structures should be installed immediately to allow the animal(s) to escape, or the USFWS and CDFW should be contacted for advice.
14. In the event that a SJKF or its sign is observed in the project area, or it is otherwise determined that SJKF may be affected by the proposed action during work on the bridge, Caltrans (on behalf of the FHWA) and the USFWS and CDFW must be notified

immediately to determine whether additional consultation is necessary.

Tricolored Blackbird

Implementation of **Mitigation Measure BIO-2** would reduce impacts to tricolored blackbird to less than significant with mitigation incorporated.

Burrowing Owl

Implementation of **Mitigation Measure BIO-4** would reduce impacts to burrowing owl to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-4:** The following measures shall be implemented to reduce impacts to burrowing owls:
 1. Preconstruction surveys for western burrowing owl shall be conducted by a qualified biologist in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation.
 2. If burrowing owls are identified during the preconstruction survey, passive exclusion shall be implemented per CDFW's 2012 Staff Report on Burrowing Owl Mitigation (including avoidance of occupied burrows during the breeding season).
 3. Annual grassland, pasture, and ruderal areas temporarily disturbed during construction shall be revegetated with the seed mix specified in Mitigation Measure BIO-2.

Swainson's Hawk

Implementation of **Mitigation Measure BIO-5** would reduce impacts to Swainson's hawk to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-5:** The following measures shall be implemented to reduce potential impacts to nesting Swainson's hawks and impacts to suitable foraging habitat:
 1. If work begins between February 1 and August 31, an early season preconstruction survey for nesting Swainson's hawks shall be conducted between January and March in the BSA and immediate vicinity (an approximately 0.25-mile radius) by a qualified biologist when tree foliage is relatively sparse, and nests are easy to identify. A second preconstruction survey for nesting Swainson's hawks shall be conducted in the BSA and immediate vicinity (an approximately 0.25 mile radius) by a qualified biologist no more than 14 days prior to initiation of earthmoving activities.
 2. If nesting Swainson's hawks are found within the survey area, a qualified biologist shall evaluate the potential for the project to disturb nesting activities. CDFW shall be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities. CDFW shall also be consulted

to establish protection measures such as buffers. Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete, and the young have fledged, or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the project is adversely affecting nesting activities.

3. Worker environmental awareness training shall be conducted by a qualified biologist for all construction personnel. This training instructs workers to recognize Swainson's hawks and their habitat(s).
4. Brightly colored Environmentally Sensitive Area (ESA) fencing shall be placed along the limits of work to prevent unnecessary encroachment into adjacent areas. Fencing shall be maintained in good condition for the duration of construction activities.
5. Annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Mitigation Measure BIO-2.

Northern Harrier

Implementation of **Mitigation Measure BIO-6** would reduce impacts to northern harrier to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-6:** The following measures shall be implemented to reduce potential impacts to nesting northern harriers, loggerhead shrike and impacts to suitable foraging habitat:
 1. If work begins between February 1 and August 31, a preconstruction survey for nesting northern harriers and loggerhead shrike shall be conducted by a qualified biologist no more than 14 days prior to initiation of earthmoving activities. The survey shall include the BSA and suitable nesting habitat within 500 ft.
 2. If nesting northern harriers or loggerhead shrike are found within the survey area, a qualified biologist shall evaluate the potential for the project to disturb nesting activities. CDFW shall be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities. CDFW shall also be consulted to establish protection measures such as buffers. Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete, and the young have fledged, or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting

activity. The monitor shall have the authority to stop work if it is determined the project is adversely affecting nesting activities.

3. Worker environmental awareness training shall be conducted by a qualified biologist for all construction personnel. This training instructs workers to recognize northern harriers, loggerhead shrike and their habitat(s).
4. Brightly colored ESA fencing shall be placed along the limits of work to prevent unnecessary encroachment into adjacent areas. Fencing shall be maintained in good condition for the duration of construction activities.
5. Annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Mitigation Measure BIO-2.

Loggerhead Shrike

Implementation of **Mitigation Measure BIO-6** would reduce impacts to loggerhead shrike to less than significant with mitigation incorporated.

Western Pond Turtle

Implementation of **Mitigation Measure BIO-7** would reduce impacts to western pond turtle to less than significant.

- **Mitigation Measure BIO-7:** The following measures shall be implemented to reduce impacts to western pond turtle:
 1. Prior to the start of construction activities in the San Joaquin River, the reach of the river within the BSA shall be surveyed by a qualified biologist for the presence of western pond turtles. If western pond turtles are observed in the BSA, they shall be relocated outside of the work area by a qualified biologist.
 2. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to preconstruction contours (if necessary) and revegetated with the native seed mix specified in Mitigation Measure BIO-2.
 3. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMP) Manual (including the Storm Water Pollution Prevention Plan [SWPPP] and Water Pollution Control Plan [WPCP] Manuals) shall be implemented to minimize effects to Pacific pond turtle suitable habitat resulting from erosion, siltation, etc. during construction.
 4. Brightly colored ESA fencing shall be placed along the limits of work to prevent unnecessary encroachment into the San Joaquin River. Fencing shall be maintained in good condition for the duration of construction activities.

Central Valley Steelhead

Implementation of **Mitigation Measure BIO-8** and **Mitigation Measure HYD-1** would reduce impacts to Central Valley steelhead to less than significant.

- **Mitigation Measure BIO-8:** The following measures shall be implemented to reduce impacts to Central Valley steelhead:
 1. All in-water work associated with the proposed project shall be conducted between June 1 and October 15, which is within the seasonal work window recommended by National Marine Fisheries Service to minimize effects to steelhead.
 2. Brightly colored ESA fencing shall be placed along the limits of work to prevent unnecessary encroachment into the San Joaquin River. Fencing shall be maintained in good condition for the duration of construction activities.
 3. The project shall retain a qualified fishery biologist prior to construction to inspect the temporary steel casings prior to installation. The temporary steel casings will be utilized during construction of the CIDH pilings to contain spoils during drilling and to keep the drilled holes from collapsing. The temporary steel casings shall have wire mesh, netting, or equivalent material attached to the bottom of the casings, prior to the casings being lowered into the water. The wire mesh, netting, or equivalent material shall have openings small enough to prevent juvenile salmonids from being trapped in the casing during installation. Prior to installation, the temporary steel casings shall be inspected by a qualified fishery biologist. When and if necessary, a qualified fishery biologist may halt work activity and recommend measures for avoiding adverse effects to salmonids and their habitat and inform National Marine Fisheries Service of any such occurrences.
 4. Water collected in the CIDH casings shall be pumped into settling basins on the bank or into trucks for off-site disposal.
 5. During removal of any part of the existing bridge, a debris collection device (e.g., heavy tarps, chain link mats) shall be installed below the bridge to prevent debris from falling into the San Joaquin River and left in place until removal is complete.
 6. Measures consistent with the current Caltrans' Construction Site BMP Manual (including the SWPPP and WPCP Manuals) shall be implemented to minimize effects to steelhead during construction.
 7. A SWPPP shall be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Valley Water Board). The SWPPP shall contain a Spill Response Plan with instructions

and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials. Implementation of the SWPPP will minimize effects to salmonids and their habitat from potential spills associated with construction activities.

8. Any emergent or submergent aquatic vegetation shall be retained. Other vegetation shall be retained as practical within the constraints of the proposed project. Where vegetation removal is necessary, rapidly sprouting plants, such as willows, shall be cut off at the ground line and the root systems left intact.

Valley Elderberry Longhorn Beetle (VELB)

Implementation of **Mitigation Measure BIO-9** and **Mitigation Measure BIO-10** would reduce impacts to VELB to less than significant with mitigation incorporated.

- **Mitigation Measure BIO-9:** The following measures are consistent with the provisions of the USFWS “Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle” dated May 2017 and shall be implemented for the project:
 1. ESA fencing shall be established along the limits of construction to exclude construction activities from avoided habitat. Activities that may damage or kill an elderberry shrub (e.g., trenching, paving, etc.) may need an avoidance area of at least 20 ft from the dripline, depending on the type of activity. Trucks and other vehicles shall not be allowed to park in and equipment shall not be stored in, an ESA. No storage or dumping of oil, gasoline, or other substances shall be permitted within an ESA. All ESAs shall be clearly delimited with yellow caution tape or temporary fencing prior to commencement of construction activities.
 2. Signs shall be installed along the edge of the ESA and shall read the following: “This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 ft and must be maintained for the duration of construction.
 3. All temporarily disturbed areas shall be restored to approximate pre-construction contours and revegetated, either through hydroseeding or other means, with native species.
 4. To prevent fugitive dust from drifting into adjacent habitat, all clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, demolition activities, or other dust generating activities shall

be effectively controlled for fugitive dust emissions utilizing application of water or by presoaking.

5. Prior to the start of construction, a qualified biologist shall survey for elderberry shrubs within 165 ft of the disturbance area. If the survey documents any shrubs with stem diameter greater than 1 inch that were not identified during the May 14, 2019 survey conducted within the BSA, Caltrans shall contact the USFWS. The USFWS and Caltrans shall work to determine a way to proceed without take or Caltrans shall reinitiate consultation with the USFWS to update the Biological Opinion to obtain an Incidental Take Statement that includes any additional take that may occur.
 6. All construction personnel shall attend environmental awareness training. During the environmental awareness training, construction personnel shall be briefed on the status of the beetle, the need to avoid damage to the elderberry host plant, and the possible penalties for not complying with these requirements.
 7. Herbicides shall not be used within the drip-line of the elderberry shrubs. Insecticides shall not be used within 30 meters (98 ft) of an elderberry shrub. All chemicals will be applied using a backpack sprayer or a similar direct application method.
 8. A qualified biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.
- **Mitigation Measure BIO-10:** In accordance with the 2017 VELB Framework, direct impacts to elderberry shrubs within riparian habitat shall be compensated at a minimum 2:1 ratio. Additionally, elderberry shrubs that will be removed shall be transplanted, if feasible, to a USFWS-approved location.

b.i. Potential Significant Impact:

A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b.ii. Facts in Support of Finding:

Black Willow Community

With implementation of **Mitigation Measure BIO-11**, impacts to black willow community would be less than significant with mitigation incorporated.

- **Mitigation Measure BIO-11:** The following measures shall be implemented to reduce impacts to black willow community:

1. Work in the black willow community shall be minimized to the extent possible. Work in the live channel of the San Joaquin River shall also be minimized to the extent possible.
2. Brightly colored ESA fencing shall be placed along the limits of work to protect the adjacent black willow community. Fencing shall be maintained in good condition for the duration of construction activities.
3. Staging areas, access routes, and construction areas shall be located outside of wetland and riparian areas to the maximum extent practicable.
4. Worker environmental awareness training shall be conducted by a qualified biologist for all construction personnel. The training shall instruct workers about the purpose of ESA fencing and the resources being protected.
5. Measures consistent with the current Caltrans' Construction Site BMP Manual (including the SWPPP and WPCP Manuals) shall be implemented to minimize effects to the red willow thickets community resulting from erosion, siltation, etc. during construction.
6. A SWPPP shall be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Valley RWQCB). The SWPPP shall contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.
7. All upland areas temporarily impacted during project construction shall be restored to preconstruction contours (if necessary) and revegetated with native species as specified in Mitigation Measure BIO-2. Invasive exotic plants shall be controlled to the maximum extent practicable.

Prior to issuance of a grading permit or other authorization to proceed with project construction, the County shall obtain any regulatory permits that are required from the USACE, RWQCB, and/or CDFW.

Riverine Community

With implementation of **Mitigation Measure BIO-12**, impacts to riverine community would be less than significant with mitigation incorporated.

- **Mitigation Measure BIO-12:** The following measures shall be implemented to reduce impacts to riverine habitat:
 1. All in-water work associated with the proposed project shall be conducted between June 1 and October 15.

2. Brightly colored ESA fencing shall be placed along the limits of work to prevent unnecessary encroachment into the San Joaquin River. Fencing shall be maintained in good condition for the duration of construction activities.
3. The project shall retain a qualified fishery biologist prior to construction to inspect the temporary steel casings prior to installation. The temporary steel casings will be utilized during construction of the CIDH pilings to contain spoils during drilling and to keep the drilled holes from collapsing. The temporary steel casings shall have wire mesh, netting, or equivalent material attached to the bottom of the casings, prior to the casings being lowered into the water. The wire mesh, netting, or equivalent material shall have openings small enough to prevent juvenile salmonids from being trapped in the casing during installation. Prior to installation, the temporary steel casings shall be inspected by a qualified fishery biologist. When and if necessary, a qualified fishery biologist may halt work activity and recommend measures for avoiding adverse effects to salmonids and their habitat and inform NMFS of any such occurrences.
4. Water and/or slurry collected in the CIDH casings shall be pumped into settling basins on the bank or into trucks for off-site disposal.
5. If the casings are driven and the water level is high such that water surrounds the casing during driving, a bubble curtain will be required to reduce the magnitude of sound waves through the water in order to protect fish.
6. During removal of any part of the existing bridge, a debris collection device (e.g., heavy tarps, chain link mats) shall be installed below the bridge to prevent debris from falling into the San Joaquin River and left in place until removal is complete. A qualified fish biologist shall be on site during the installation of cofferdams and during the cofferdam dewatering process to remove any trapped salmonids and other fish from the cofferdam. The fish will be relocated to suitable habitat upstream of the work area. Protocols for the capture, handling, and release of fish will be developed in cooperation with NMFS and CDFW. Fish biologists will contact NMFS and CDFW immediately if any steelhead are found dead or injured.
7. A SWPPP shall be prepared by the contractor in accordance with the Caltrans Stormwater Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual (October 2016 or most current version available) and typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Valley Water Board).

Consistent with these resources, the SWPPP shall include a description of potential pollutants and the manner in which sediments and hazardous materials present on site during construction (including vehicle and equipment fuels) would be managed. The SWPPP shall also contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials. Implementation of the SWPPP shall minimize effects to salmonids and their habitat from potential spills associated with construction activities.

8. Any emergent or submergent aquatic vegetation shall be retained as practical within the constraints of the proposed project.
9. All upland areas temporarily impacted during project construction will be restored to pre-construction contours and revegetated with native species as specified in Table 2.

Chinook Salmon EFH

The San Joaquin River within the project area is designated as EFH for Chinook salmon (*Oncorhynchus tshawytscha*). EFH has not been identified for Central Valley steelhead. With implementation of **Mitigation Measure BIO-8** and **Mitigation Measure HYD-1**, this impact Chinook salmon EFH would be less than significant with mitigation incorporated.

c.i. Potential Significant Impact:

A substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

c.ii. Facts in Support of Finding:

With implementation of Mitigation Measures BIO-13 and BIO-14, impacts to wetlands would be less than significant with mitigation incorporated.

- **Mitigation Measure BIO-13:** The following measures shall be implemented to reduce impacts to wetlands:
 1. To the extent practicable, the project shall include design features such as retaining walls, non-standard slope gradients, etc. to avoid and minimize impacts to wetlands.
 2. Worker environmental awareness training shall be conducted by a qualified biologist for all construction personnel. The training shall instruct workers about the purpose of ESA fencing and the resources being protected.

Mitigation Measure BIO-14: Compensatory mitigation for impacts to wetlands and other waters of the U.S. and State shall be accomplished using one of the following methods, or by a combination of these methods:

1. Preservation, creation, and/or restoration in accordance with the USACE Mitigation Monitoring Program Guidelines (2015). The Mitigation Monitoring Program shall address, at minimum, the following: a project site impact assessment, compensatory mitigation site selection, compensatory mitigation site design, compensatory mitigation site construction, long-term compensatory mitigation site maintenance and monitoring, and long-term site management.
2. Purchase of credits at an approved mitigation bank.
3. Payment of in-lieu fees pursuant to an approved in-lieu fees program.
4. Appropriate mitigation ratios shall be established in coordination with the USACE during the permitting process to ensure no net loss of acreage or value of waters of the U.S.

d.i. Potential Significant Impact:

Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

d.ii. Facts in Support of Finding:

Implementation of the project would result in permanent and temporary impacts to the water column PCE for Central Valley steelhead. Permanent impacts would occur as a result of construction of the support columns for the new bridge; temporary impacts would occur as a result of project access for construction of the new bridge and demolition of the existing bridge. Implementation of the project would also result in permanent and temporary impacts to the adjacent riparian zone PCE for Central Valley steelhead necessary for thermoregulation.

The new bridge would be 4 ft wider than the existing bridge, resulting in a nominal increase in shaded area. Consequently, the additional shading from the new bridge is considered a negligible impact to Central Valley steelhead and designated critical habitat. Implementation of **Mitigation Measure BIO-8** and **Mitigation Measure HYD-1** would reduce impacts to Central Valley steelhead to less than significant with mitigation incorporated.

e.i. Potential Significant Impact:

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

e.ii Facts in Support of Finding:

With implementation of **Mitigation Measure HAZ-1** and **Mitigation Measure HYD-2**, the proposed project would result in less than significant impacts with mitigation incorporated.

- **Mitigation Measure HAZ-1:** The contractor shall prepare a SPCP. The SPCP must be submitted to Stanislaus County for review and

approval prior to the commencement of construction activities. The SPCP shall include information on the nature of all hazardous materials that would be used on site. The SPCP shall also include information regarding the proper handling of hazardous materials and cleanup procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic cleanup shall be provided in the SPCP.

f.i. Potential Significant Impact:

Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

f.ii Facts in Support of Finding:

Implementation of **Mitigation Measure HAZ-2** would require worker training for the transport, use, and disposal of hazardous material and would reduce the risk of a significant hazard. Therefore, the proposed project would result in less than significant impacts with mitigation incorporated associated with creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- **Mitigation Measure HAZ-2:** The contractor shall prepare and implement a Lead Compliance Plan for removal and disposal of traffic stripes and industrial paint. The Lead Compliance Plan shall require the contractor to use trained personnel and comply with all Cal/OSHA regulations and requirements. Employee training should include guidelines that prevent or minimize worker exposure to lead-based paint and chromium-based paint. The training shall include (but not be limited to) protocols for environmental and personal monitoring, requirements for personal protective equipment, and other health and safety protocols and procedures for the demolition of existing structures.

g.i. Potential Significant Impact

Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

g.ii Facts in Support of Finding

Although the contractor would conduct construction activities during low-flow or dry conditions, water is present in the San Joaquin River year-round. In order to protect water quality in the San Joaquin River during dewatering activities, **Mitigation Measure HYD-1** would be implemented. Implementation of Mitigation Measure HYD-1 would reduce impacts to water quality to a less-than significant level with mitigation incorporated.

Soil removed during construction would be stored and controlled to reduce soil erosion and sedimentation of downstream waterways. Pollutants and

hazardous materials, such as gasoline, diesel fuel, oil, solvents, and trash would be stored and used during construction of the proposed project. However, implementation of **Mitigation Measure HAZ-1** (provided in Section 3.9 Hazards and Hazardous Materials) and best management practices would reduce the potential for materials to enter drainages and degrade downstream water quality. In addition, incorporation of **Mitigation Measure HYD-2** would require that coverage be obtained under the Construction General Permit, which requires the preparation and implementation of a SWPPP and implementation of best management practices to control and reduce potential pollutants to stormwater runoff. Implementation of **Mitigation Measure HYD-3** would require the preparation of an Erosion Control Plan approved by the County to ensure compliance with the County's Standards and Specifications (2014).

Project impacts associated with water quality standards or waste discharge requirements or any potential to otherwise substantially degrade surface or groundwater quality would be less than significant with mitigation incorporated.

- **Mitigation Measure HYD-1:** The construction contractor shall implement the following dewatering BMPs to reduce water quality impacts to the San Joaquin River and downstream waters.
 1. During high water conditions, a temporary work trestle may be required to support the pile drilling equipment and to service construction of the new bridge.
 2. Visibility permitting, all excavations shall be inspected for sensitive aquatic wildlife prior to dewatering. Wildlife found in excavations shall be allowed to leave passively or shall be relocated by a qualified biologist (BIO-8).
 3. If dewatering of an excavation is needed, all dewatering pump intakes shall be fitted with filter screening to prevent impacts to aquatic wildlife that may accidentally enter excavations.
 4. Where feasible (e.g., landowner approval is provided, sufficient space with permeable surfaces is available, slopes are gentle enough to allow control of potential sediment transport), all stormwater or groundwater removed from excavations shall be discharged overland into well-vegetated areas to promote the settling of sediment. If overland discharge is not possible, then water removed from excavations shall be collected, treated, and disposed of consistent with requirements of the RWQCB and any other agencies with jurisdiction over the activity.
 5. The contractor shall have on hand, at all times, sufficient pumping equipment, filter sleeves, hoses and machinery in good working condition and shall have available, at all times, competent

personnel for the implementation of dewatering. Adequate standby equipment and supplies shall be kept available at all times to ensure efficient dewatering and maintenance of dewatering operation during power failure.

6. Dewatering shall commence at an appropriate time prior to commencing excavation (if possible), or immediately upon encountering groundwater, and shall be continuous until the work is completed and backfilled.
 7. The contractor shall comply at all times with the project SWPPP.
 8. The contractor shall be responsible to design and control the dewatering operations such that disposal of water does not cause erosion or other damage and such that water to be disposed of is free from silt and other objectionable materials. Settling basins and/or other means shall be used as necessary. Groundwater shall be disposed of and treated, as necessary, so as not to create environmental nuisance or harm.
 9. Work shall be conducted within areas of the project allowed by the permits and as shown on the plans. Stanislaus County shall ensure that all contractor personnel understand all permit and plan requirements that affect dewatering.
 10. The termination of dewatering operations shall be performed in such a manner as to maintain the undisturbed state of the natural soils and prevent disturbance of compacted backfill.
 11. The contractor shall implement a monitoring plan to ensure that applicable water quality release standards are met. The contractor shall document in a report to be submitted to the permitting agencies that the water quality standards have been met.
- **Mitigation Measure HYD-2:** Prior to commencement of construction activities, the proposed project shall obtain coverage under the State Water Resources Control Board's NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009 DWQ, as amended by 2010-0014-DWG and 2012- 0006-DWQ, NPDES No. CAS000002, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including a Notice of Intent for coverage under the permit to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number is obtained from SMARTS. The proposed project shall comply with the Risk Level 2 requirements of the Construction General Permit. A SWPPP shall be prepared and implemented to address all construction-related

activities, equipment, and materials that have the potential to impact water quality. The SWPPP shall identify the sources of pollutants that may affect the quality of storm water and include BMPs to ensure that the potential for soil erosion, sedimentation, and spills is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities. Upon completion of construction, a Notice of Termination shall be submitted via SMARTS.

Mitigation Measure HYD-3: Prior to construction, the contractor shall prepare an Erosion Control Plan. The Erosion Control Plan shall be reviewed and approved by Stanislaus County and implemented by its designated contractor in compliance with the provisions of the Stanislaus County Standards and Specifications. The Erosion Control Plan shall indicate the proposed methods for the control of runoff, erosion, and sediment movement during project construction.

h.i. Potential Significant Impact

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site.

h.ii. Facts in Support of Finding

During construction, any soil removed would be stored and controlled to reduce any potential erosion or siltation. In addition, implementation of **Mitigation Measures HYD-2 and HYD-3** would ensure compliance with the Construction General Permit, preparation of a Stormwater Pollution Prevention Plan, and compliance with the County's Standards and Specifications (2014). As such erosion of disturbed soil areas during construction would be reduced. Replacement of the Hills Ferry Road Bridge would require realignment of the existing roadway and would result in an increase in impervious surfaces. However, design of the proposed project and implementation of construction site best management practices would ensure this increase in impervious surfaces would not substantially alter existing drainage patterns or result in substantial erosion or siltation on or off site. The proposed project would result in less than significant impacts with mitigation incorporated related to drainage patterns and erosion or siltation.

i.ii Potential Significant Impact:

Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

i.iii Facts in Support of Finding:

The Sacramento River/San Joaquin River Basin Plan provides groundwater quality objectives and beneficial uses for the entirety of its jurisdictional boundary. Unless otherwise designated by the RWQCB, all ground waters in

the Sacramento/San Joaquin River Basin Plan's jurisdictional boundary are considered suitable or potentially suitable, at a minimum, for municipal and domestic water supply; agricultural resources; industrial service supply; and, industrial. The Sacramento River/San Joaquin River Basin Plan identifies objectives for bacteria, chemical constituents, radioactivity, taste and odors, and toxicity in groundwater. Additionally, the Basin Plan identifies both contact and noncontact recreation uses for the San Joaquin River in the project area. Runoff from the site during construction would drain into the San Joaquin River. In compliance with the Construction General Permit, the County would be required to prepare a SWPPP (**Mitigation Measure HYD-2**) and implement Construction BMPs aimed at reducing pollutants of concern in stormwater runoff. Therefore, the potential for short-term water quality impacts during construction to adversely affect the various uses of the river is considered to be very low. The proposed project would result in less than significant impact with mitigation incorporated.

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 resource impacts. (California Code of Regulations, title 14, section 15096, subd (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096, subd. (i).)

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Attachment D – Reports and Notification Requirements

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:

A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

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

- **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually 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.

B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.Savino@waterboards.ca.gov.
- Include in the subject line of the email:
ATTN: Nicholas Savino; Project Name; and WDID No. 5B50CR00109.

III. Definition of Reporting Terms

A. 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.

B. 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.

C. 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.

D. 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.

E. Effective Date:

20 March 2023

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

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

B. 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.

V. Report and Notification Cover Sheet

Project: River Road over San Joaquin River Bridge (39C0001)
Replacement Project

Permittee: Stanislaus County Department of Public Works

WDID: 5B50CR00109

Reg. Meas. ID: 450825

Place ID: 885556

Order Effective Date: 20 March 2023

Order Expiration Date: 19 March 2028

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report
Report Type 2 Annual Report

B. 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

C. 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

“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 Name¹

Affiliation and Job Title

Signature

Date

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

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

Permittee's Signature

Date

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** -
 - i. 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). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control. If construction has not started, provide estimated start date.
 - ii. Event Summary

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.
 - iii. 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.
 - iv. Compliance Summary
 - List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
 - List associated monitoring reports for the reporting period.
 - Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
 - Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

2. Report Type 2 - Annual Report

- a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of April beginning 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.
- c. **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.

During the Active Discharge Period

- **Topic 1: Construction Summary**
- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

During the Post-Discharge Monitoring Period

- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

- i. Annual Report Topic 1 - Construction Summary

When to Submit - With the annual report during the Active Discharge Period.

Report Contents - 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.

- 1) Map showing general Project progress.
- 2) 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.

- ii. 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.
- iii. 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.

1) Part A. Permittee Responsible

- a) Planned date of initiation of compensatory mitigation site installation.
- b) If installation is in progress, a map of what has been completed to date.
- c) 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.

2) Part B. Mitigation Bank or In-Lieu Fee

- a) Status or proof of purchase of credit types and quantities.
- b) Include the name of bank/ILF Program and contact information.
- c) If ILF, location of project and type if known.

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

- a. **Report Purpose** - Notify Central Valley Water Board staff prior to the start of construction.
- b. **When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
- c. **Report Contents** -
 - i. Date of commencement of construction.
 - ii. Anticipated date when discharges to waters of the state will occur.
 - iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

- iv. Construction Storm Water General Permit WDID No.
- v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

2. Report Type 4 - Request for Notice of Completion of Discharges Letter

- a. 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.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
- c. Report Contents** -
 - i. Status of storm water Notice of Termination(s), if applicable.
 - ii. Status of post-construction storm water BMP installation.
 - iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.
 - iv. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.
 - v. 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.

3. Report Type 5 - Request for Notice of Project Complete Letter

- a. 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.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
- c. Report Contents** -
 - i. 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.

- ii. Part B: Permittee Responsible Compensatory Mitigation
 - 1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
 - 2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.
 - 3) Pre- and post-photo documentation of all compensatory mitigation sites.
 - 4) Final maps of all compensatory mitigation areas (including buffers).
- iii. Part C: Post-Construction Storm Water BMPs
 - 1) Date of storm water Notice of Termination(s), if applicable.
 - 2) Report status and functionality of all post-construction BMPs.
 - 3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. Part C – Conditional Notifications and Reports

1. Report Type 6 - Accidental Discharge of Hazardous Material Report

- a. **Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
- b. **When to Submit** - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
- c. **Report Contents** -
 - i. 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.
 - ii. 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.
 - iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

2. Report Type 7 - Violation of Compliance with Water Quality Standards Report

- a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.

- b. **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.
- c. **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.

3. **Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**

- a. **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.
- b. **When to Submit** – At least 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.
- c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

4. **Report Type 9 - Modifications to Project Report**

- a. **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.
- b. **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.
- c. **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.

5. **Report Type 10 - Transfer of Property Ownership Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.

b. When to Submit - At least 10 working days prior to the transfer of ownership.

c. Report Contents -

- i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
 - 1) 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
 - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
- ii. 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.

6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report

a. Report Purpose - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

b. When to Submit - At least 10 working days prior to the transfer of BMP maintenance responsibility.

c. Report Contents - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

All documents submitted in compliance with this Order shall meet the following signatory requirements:

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

- B.** A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - 1.** The authorization is made in writing by a person described in items 1.a through 1.c above.
 - 2.** The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - 3.** The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

- C.** 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.”

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. 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.)

D. 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.

E. 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; and
 - g. Mitigation to be provided (approved mitigation ratio and amount).

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**Attachment G - Compliance with Code of Federal Regulations,
Title 40, Section 121.7, Subdivision (d)**

The purpose of this Attachment is to comply with Code of Federal Regulations, title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XIV of the Order, and the statements below correspond with the conditions set forth in Section XIV. The other Order Sections are not “conditions” as used in Code of Federal Regulations, title 40, section 121.7.

I. General Justification for Section XIII Conditions

Pursuant to Clean Water Act section 401 and California Code of Regulations, title 23, section 3859, subdivision (a), the Central Valley Water Board, when issuing water quality certifications, may set forth conditions to ensure compliance with applicable water quality standards and other appropriate requirements of state law. Under California Water Code section 13160, the State Water Resources Control Board is authorized to issue water quality certifications under the Clean Water Act and has delegated this authority to the executive officers of the regional water quality controls boards for projects within the executive officer’s region of jurisdiction. (California Code of Regulations, title 23, section 3838.)

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. 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. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12

(a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects only if the demonstrations set forth in Section IV.B.1 of the Dredge or Fill Procedures have been satisfied.

California Code of Regulations, title 23, sections 3830 et seq. set forth state regulations pertaining to water quality certifications. In particular, section 3856 sets forth information that must be included in water quality certification requests, and section 3860 sets forth standard conditions that shall be included in all water quality certification actions.

Finally, Water Code sections 13267 and 13383 authorize the regional and state boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste.

II. Specific Justification for Section XIV Conditions

A. Authorization

Authorization under the Order is granted based on the application submitted. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

Conditions under Section B.3.a related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code. "Hazardous materials" is defined under Health and Safety Code section 25501. These reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work and diversions are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

d. Modifications to Project

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions under Sections B.3.e and B.3.f are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the

quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

D. Standard

1. This Order is subject to modification or revocation

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification’s application.

3. This Order is conditioned upon total payment of any fee

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

E. General Compliance

1. Failure to comply with any condition of this Order

The condition under Section E.1 places the Permittee on notice of any violations of Order requirements. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

2. Permitted actions must not cause a violation of any applicable water quality standards

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board’s Basin Plan. The Basin Plan’s water quality

standards 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. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require

Conditions under Section E.3 related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Technical supports submitted pursuant to Water Code section 13267 are required to be submitted under penalty of perjury. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports

Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

5. This Order and all of its conditions herein continue to have full force and effect

This condition ensures continued compliance with applicable water quality standards and other appropriate requirements of state law. Notwithstanding any determinations by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, the Permittee must comply with the entirety of this certification because, pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program

This condition ensures mitigation measures required to lessen the significance of impacts to water quality identified pursuant to California Environmental Quality Act review are implemented and enforceable. Pursuant to California Code of Regulations, title 14, section 15097, subdivision (a), a public agency shall adopt a program for monitoring and reporting on mitigation measures imposed to mitigate or avoid significant environmental effects to ensure implementation.

7. Construction General Permit Requirement

Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), 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. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

F. Administrative

1. Signatory requirements for all document submittals

The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

2. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et seq.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

3. The Permittee shall grant Central Valley Water Board staff

The condition related to site access requirements is authorized pursuant to the Central Valley Water Board's authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with." Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These

conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

5. A copy of this Order must be available at the Project site(s) during construction . . .

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

6. Lake or Streambed Alteration Agreement

This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

G. Construction

- 1. Dewatering – Not Applicable**
- 2. Directional Drilling – Not Applicable**
- 3. Dredging – Not Applicable**
- 4. Fugitive Dust**

This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.) Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

5. Good Site Management “Housekeeping”

Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

6. Hazardous Materials

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the narrative toxicity and chemical constituents water quality objectives. (Basin Plan, Sections 3.1.3, 3.1.20.) Further, conditions related to concrete/cement are required pursuant to the Basin Plan’s pH water quality objective. (Basin Plan, Section 3.1.11.)

7. Invasive Species and Soil Borne Pathogens

Conditions related to invasive species and soil borne pathogens are required to ensure that discharges will not violate any water quality objectives under the Basin Plan, adopted under Water Code section 13240 of the Water Code. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Basin Plan, such as rare, threatened, or endangered species; wildlife habitat; and preservation of biological habitats of special significance. (See Basin Plan, Section 2.1.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19, 3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish

passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

10. Sediment Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment. (Basin Plan, Section 3.1.15.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

13. Storm Water

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

The conditions under Section J require restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires “in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions.” (Dredge or Fill Procedures section IV. A.2(d) & B.4.) Technical reporting and monitoring requirements under this condition are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.

K. Compensatory Mitigation for Permanent Impacts

The conditions under Section K regarding compensatory mitigation for permanent impacts ensure permanent physical loss and permanent ecological degradation of waters of the state are adequately mitigated. These conditions are necessary to ensure compliance with state and federal anti-degradation policies and are consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These compensatory mitigation conditions are also consistent with Executive Order W-59-93 commonly referred to as California’s “No Net Loss” Policy for wetlands. The objective of the No Net Loss Policy is to ensure no overall net loss of and a long term net gain in the quantity, quality, and permanence of wetland acreage and values in California. Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

L. Certification Deviation

- 1. Minor modifications of Project locations or predicted impacts**
- 2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates**

Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is

required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).