

## Central Valley Regional Water Quality Control Board

### WATER QUALITY ORDER NO. R5-2025-0062 WASTE DISCHARGE REQUIREMENTS

<b>Effective Date:</b>	12 December 2025	Reg. Meas. ID:	461095
<b>Expiration Date:</b>	11 December 2030	Place ID:	901309
<b>Program Type:</b>	WDID No.: 5B39CR00425		
<b>Project Type:</b>	Fill/Excavation		
<b>Project:</b>	Tracy Hills Phases 3 and 4 Project (Project)		
<b>Applicant:</b>	Tracy Phase 4, LLC		
<b>Applicant Contact:</b>	John Stanek Authorized Representative Tracy Phase 4, LLC 888 San Clemente Drive, Suite 100 Newport Beach, CA 92660 Phone: (949) 720-3612 Email: <a href="mailto:JStanek@integralcommunities.com">JStanek@integralcommunities.com</a>		
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**Water Board Contact Person:** If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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## FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds the following:

**1. Application:**

The Central Valley Water Board received an application from Tracy Phase 4, LLC (Permittee) on 20 May 2025. These Waste Discharge Requirements (Order) are for the purpose described in the application and supplemental information submitted by the Permittee. The application was deemed complete on 25 June 2025.

**2. Project Description:**

The 513.4-acre Project includes mass grading and earthwork for the purpose of residential development within 18 Tracy Hills Specific Plan (THSP) Phase 3 and 4 villages (Villages 19-36), as well as infrastructure improvements consistent with the THSP.

**3. Project Location:**

Address: North of South Corral Hollow Road and West of Interstate 580 (I-580) in the City of Tracy

County: San Joaquin

Assessor's Parcel Number(s): 251-050-13, 251-060-32, 251-060-37, 251-060-38, 251-060-40, 251-060-41, 251-060-42, and 251-060-43

Nearest City: Tracy

Sections 12 & 13, Township 3 South, Range 4 East, and Section 18, Township 3 South, Range 5 East, MDB&M.

Latitude: 37.673876° and Longitude: -121.475546°

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

**4. Project Impact, Receiving Water and Beneficial Uses:**

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.

**5. Description of Direct Impacts to Waters of the State:**

Impacts to waters of the state include permanent fill of three ephemeral drainages, ED-1, ED-2, and ED-3. Total Project fill/excavation quantities for all impacts are summarized in Table 1. 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 Permanent Physical Loss of Area Impacts**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.579	1,865	8,826

## 6. 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. Project-related grading activities and improvements will be constructed, monitored and maintained consistent with current federal, State and local regulatory requirements as overseen and enforced by multiple regulatory agencies with jurisdiction and enforcement authority over project-related activities, including:

- The City of Tracy (City);
- San Joaquin County;
- Central Valley Water Board;
- California Department of Fish and Wildlife;
- U.S Fish and Wildlife Service.

Project-related indirect impacts to water quality are therefore not anticipated.

## 7. Fees Received:

An application and fill/excavation fee of \$21,776 was received on 21 May 2025. The fee amount was determined as required by California Code of Regulations, title 23, section 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84).

## 8. Avoidance and Minimization:

No alternatives analysis is required because the Project was conducted in accordance with a watershed plan that has been approved by the Central Valley Water Board and analyzed in an environmental document that includes a sufficient alternatives analysis, monitoring provisions, and guidance on compensatory mitigation opportunities.

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:

- **Mitigation Measure 4.9-1a:** Prior to issuance of a grading or building permit, whichever occurs first, the Permittee shall demonstrate to the City of Tracy compliance with National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a

Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall comply with the current standards established by the Central Valley Water Board. Best Management Practices shall be selected from a menu according to site requirements and shall be subject to approval by the City Engineer and Central Valley Water Board.

- **Mitigation Measure 4.9-1b:** Prior to issuance of a grading or building permit, whichever occurs first, the Permittee shall submit to the City Engineer for review a draft copy of the Notice of Intent (NOI) and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Resources Control Board for approval.
- **Mitigation Measure 4.9-2:** The Permittee shall submit and obtain City approval of a drainage plan to the City for onsite post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, the Permittee shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan.
- **Mitigation Measure 4.9-3:** The Permittee shall implement the following measures:
  1. Will implement sound Integrated Pest Management (IPM) principles and practices in an effort to minimize the use of pesticides in common landscaped areas, open space areas, or park areas. These programs will include setting acceptable thresholds of infestations and a process for determining the best prevention or treatment method for a given pest. Pest problems in common landscaped areas, open space areas, or park maintenance will be managed through prevention and treatment using physical, mechanical and biological controls. The use of toxic pesticides will be implemented only after other non-toxic approaches or products have been determined infeasible. Fertilizers will be applied sparingly, and will be derived from natural sources, such as fish emulsion or manure.
  2. Will cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:
    - Hazardous material use controls;

- Hazardous materials exposure controls;
  - Hazardous material disposal and recycling.
3. Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system.
- **Mitigation Measure 4.4-3a:** The project area includes numerous small episodic drainage features. If adverse effects to them cannot be avoided, then the Project shall notify the appropriate regulatory agency (i.e., United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW) and Central Valley Water Board) prior to impacting the feature, to comply with the requisite permitting requirements.
    1. Section 401 of the CWA requires a water quality certification for discharges and/or adverse impacts to regulated waterways and aquatic environments. The Central Valley Water Board is empowered to enforce this regulation through the Water Quality Certification Program. For this Project, activities may require a CWA Section 401 Water Quality Certification (WQC).
    2. Section 1600 of the California Fish and Game Code (CFG) regulates substantial alteration of waters and their adjacent riparian lands within the State. For this Project, activities may require Lake and Streambed Alteration Notification.
    3. If impacts to special aquatic resource areas are ultimately unavoidable within the Project Site, then the applicant should develop an informal plan to offset or compensate for adverse effects to these resources to ensure rapid and favorable action during any warranted permitting processes. With regard to waters of the State, the Project has voluntarily elected to offset locales associated with permanent losses, at a mitigation to impact ratio of 3:1, and 1:1 for temporary disturbances to regulated waters, riparian habitats or other sensitive natural communities in all areas where Project related activities would be expected to adversely affect watercourses, streams, drainages, and their tributaries.
    4. Avoidance measures being utilized by the Project include but are not be limited to the following: 1) complete avoidance of wetlands and other water features; 2) construction of structures to maintain natural floodplains; 3) installation of open channel drainages, swales or bottomless culvert systems to maintain the integrity of natural water features; 4) installation of culverts for wildlife crossings in sensitive and

unique habitats to allow connectivity among water features or natural lands; 5) use natural/biological materials in armoring of structures (i.e. bridges, culverts, etc.) to the greatest extent practical; 6) when feasible, install exclusionary fencing to guide wildlife away from roadways and into water features or sensitive habitats; and 7) consult with regulatory agencies to determine the most environmentally sound methods and alternatives prior to Project implementation.

- **Mitigation Measure 4.4-3b:** A Jurisdictional Determination would be required from the USACE documenting isolated conditions and lack of jurisdictional authority on the Project site.
- **6.1 Seasonal Work Window Restriction:** It is anticipated that the initial ground disturbance (such as excavation, clearing and grubbing) for Phase I will take place during the rainy season (15 October through 1 April, and that Covered activities shall be subject to Condition of Approval 6.4 (Wet Season Work Restriction) below. After 1 April, Permittee shall limit Covered Activities that will result in either initial ground disturbance (such as excavation, grading, trenching, contouring, or clearing and grubbing) from 1 April through 31 October. Once habitat has been removed and exclusion fencing is in place, activities within the exclusion fencing may occur year-round. If areas have become fallow after initial disturbance and grasses, shrubs have become reestablished, then Covered Activities shall only resume during the period from 1 April through 31 October, within California tiger salamander habitat areas delineated in Figure 6 and shall only occur outside this work window after habitat (including ground squirrel and gopher burrows) is removed and exclusion fencing is in place.
- **6.3 Seasonal Work Window Extensions:** Permittee shall adhere to the seasonal work window required in Condition of Approval 6.1 unless an expanded work window is approved by CDFW. Permittee shall submit any requests for extensions in writing at least 14 days prior to the desired date of construction or 14 days prior to the expiration of the seasonal work window. If work is approved the following conditions shall apply:
  - **6.3.1** Any work site located within 0.5 miles of California Tiger Salamander aquatic habitat, including where equipment will be stored overnight, shall be completely fenced with a temporary wildlife exclusion barrier with coverboards. All construction work shall take place within the fenced area. Installation of exclusion fencing does not apply to graveled or well-traveled roads.
  - **6.3.2** All construction vehicle and heavy equipment travel shall be limited to the daylight hours from 30 minutes after sunrise until 30 minutes before sunset, to the maximum extent feasible.

- **6.3.3** The temporary exclusion barrier shall be installed around any areas within the Project Area that could become ponded (for more than 24 hours) and provide breeding habitat during rain events. Coverboards shall be placed around the inside and outside perimeter of the temporary exclusion barrier as described in Condition of Approval 6.11.
- **6.4 Wet Season Work Restriction:** If CDFW has approved a seasonal work window extension per Condition of Approval 6.3, then, during the wet season between 15 October through 30 April, Covered Activities shall cease 24 hours prior to a 30 percent or greater forecast of rain. Construction may continue 24 hours after the rain ceases and there is less than a 30 percent chance of precipitation in the 24-hour forecast. CDFW may approve work when there is a 30 percent or more chance of precipitation in the 24-hour forecast subject to full implementation of Condition of Approval 6.6 and the following condition:
  - **6.4.1** If work is approved when a greater than 30 percent chance of rain is forecast, the Designated Biologist(s) shall survey the Project Area where Covered Activities are planned before they begin each day rain is forecast. If rain exceeds 0.50 inches during a 24-hour period, work shall cease until there is a less than 30 percent chance of precipitation in the 24-hour forecast. All night-time work and construction-related traffic shall be suspended during rain events.
- **6.5 Erosion Control:** All erosion and sediment control measures shall be installed prior to earth moving Covered Activities. Permittee shall utilize erosion control measures throughout each Project Phase where sediment runoff from exposed slopes could leave the Project Area and/or enter a stream or pond. Permittee, Designated Representative or other trained staff shall monitor erosion control measures before, during, and after each storm event and repair and/or replace ineffective measures immediately.
- **6.6 No Project Phase without Erosion Control:** No Project Phase may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that construction phase may cause the introduction of sediments into a drainage, stream or pond. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to startup of any phase of the project that may result in sediment runoff to the stream.
- **6.7 Geo-Textile and Monofilament Netting Restriction:** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not place erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Any geo-textile material or filter fabric used within the Project boundary shall not contain any petroleum-based products. Geotextiles, fiber

rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. No geotextile fabrics shall be placed where they may be exposed to stream flows.

- **6.8 Location of Spoil Sites:** Spoil sites shall not be located where it may be washed back into a watercourse or within any potential Covered Species habitat throughout the Project Area.
- **6.9 Cover Spoil Piles:** Prior to construction of a Project Phase, Permittee shall submit the Project's Stormwater Pollution and Prevention Plan and Dust Control Permit Plan for that Project Phase and comply with each plan's requirements. Permittee shall take any necessary precautions to prevent loose soils or dust from entering streams or stormwater infrastructure that discharges into streams.

## **9. Compensatory Mitigation:**

The Permittee is required to provide compensatory mitigation for direct impacts, described in section 5 for permanent impacts.

## **10. Basin Plan:**

Receiving waters 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, rev. 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 [\(State Water Board\) Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([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.

## **11. Waste Discharge Requirements:**

This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides, in pertinent part, the following:

*The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that*

*purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.*

Compliance with section 13263, subdivision (a), including implementation of the Basin Plan, is discussed below. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

#### **12. Antidegradation Policy:**

State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (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.

#### **13. No Net Loss Policy:**

Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective 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 (No Net Loss Policy). The State Water Resources Control Board and Regional Water Quality Control Boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.

#### **14. Compliance with Antidegradation and No Net Loss Policies:**

Filling wetlands and other waters causes partial or complete loss of the beneficial uses provided by those waters. To reconcile such losses with the State's No Net Loss and Antidegradation Policies, this Order requires adherence to the requirements in the mitigation monitoring and reporting program, including compensatory mitigation for impacts that cannot be feasibly avoided or minimized; implementation of the approved compensatory mitigation plan; and other requirements to minimize the potential effects of construction on water quality and resources. Regarding compensatory mitigation, this Order requires aquatic resource impacts be mitigated at a 3:1 ratio by permittee-responsible mitigation. These measures ensure impacts are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.

**15. Monitoring and Reporting Requirements:**

The monitoring and technical reporting provisions in this Order are adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides, in pertinent part, the following:

*[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

The reports required under this Order are necessary to verify and ensure compliance with permitting requirements and protect waters of the state. The burden associated with such reports is reasonable relative to the need for their submission.

**16. California Environmental Quality Act (CEQA):**

On 5 April 2016, the City of Tracy, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2013102053) for the Project and filed a Notice of Determination (NOD) at the SCH on 26 April 2016. 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.

**17. Liability for Noncompliance:**

Failure to comply with this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee may then be subject to administrative and/or civil liability pursuant to Water Code sections 13268 and/or 13350. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

**18. Additional Monitoring and Reporting**

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 requirements of state law.

**19. Construction General Permit:**

This Order does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2022-0057-DWQ, as amended.

**20. Endangered Species Act:**

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 Endangered 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.

**21. Public Notice:**

This Order was publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5.

**22. Public Hearing:**

At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

**23. Petitions for Reconsideration:**

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

[State Water Resources Control Board Law and Regulations for Filing Petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)  
([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality))

**REQUIREMENTS**

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13263 and 13267, that the Permittee shall comply with the following:

**A. Scope**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

**B. Reporting and Notification Requirements**

1. Requirements for the content of the below reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project, which is incorporated herein by reference.
2. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative. The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID No. Documents that are 50 MB or larger may be uploaded to an approved database or transferred to a disk and mailed to the Central Valley Water Board Contact.

**3. Project Reporting**

- a. **Monthly Reporting – Not Applicable**
- b. **Annual Reporting:**

The Permittee shall submit an Annual Report each year on the 1st day of January 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.

**4. 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, if applicable, corresponding Waste Discharge Identification Number (WDID#) issued under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-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.

## **5. Conditional Notifications and Reports**

**a. Accidental Discharges of Hazardous Materials<sup>1</sup>**

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 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](#)

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<sup>1</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, section 25501.)

[page](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) ([https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/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. 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. Project Modifications:**

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 Project Deviation section of this Order.

**e. Transfer of Property Ownership and Long-Term Best Management Practices (BMPs) Maintenance:**

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

## **C. Water Quality Monitoring**

### **1. General**

- a. 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).
- b. The Permittee shall perform surface water sampling:
  - i. when performing any in-water work;
  - ii. during the entire duration of temporary surface water diversions;
  - iii. in the event that the Project activities result in any materials reaching surface waters; or
  - iv. when any activities result in the creation of a visible plume in surface waters.
- c. 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.

## 2. Accidental Discharges/Noncompliance

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

## 3. In-Water Work or Diversions:

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality objectives:

- i. 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.
- ii. Activities shall not cause turbidity increases in surface water to exceed the following:
  - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - (e) 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 2 sampling parameters.<sup>2</sup>

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<sup>2</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held

The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

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 the remaining In-Water Work and Diversion Water Quality Monitoring shall be submitted with the Request for Notice of Completion of Discharges letter.

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 Section 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 2: Sample Type and Frequency Requirements**

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	Nephelometric Turbidity Units (NTU)	Grab	Every 4 hours
Visible construction related pollutants <sup>3</sup>	Observations	Visual Inspections	Continuous throughout the construction period

#### 4. Post-Construction:

The Permittee is required to visually inspect the Project site during the rainy season for one year following completion of active Project construction activities

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field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

<sup>3</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

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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 6 commencing with sections 2050-2068, inclusive. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)
2. 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.
3. 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 Plan of the Central Valley Water Board or any State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
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. **Mitigation Monitoring and Reporting Program (MMRP):**

The Permittee shall adhere to all requirements in the Mitigation Monitoring and Reporting Program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

#### **E. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. 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.
3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. 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. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

4. **Lake or Streambed Alteration Agreement:**

If applicable, the Permittee shall submit a signed copy of the California Department of Fish and Wildlife's (CDFW) Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

## **F. Construction**

1. **Dewatering – Not Applicable**
2. **Directional Drilling – Not Applicable**
3. **Dredging – Not Applicable**
4. **Dust Abatement:**

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. **Spill Prevention, Containment, and Cleanup Plan:**

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.
- c. 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.
- d. All materials resulting from the Project shall be removed from the site and disposed of properly.

## **6. Toxic and 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 B.5.a and B.5.b.
- b. No wet concrete will be placed into stream channel habitat.

## **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:**

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by the local agency permitting the Project, as appropriate:
  - i. Minimize the amount of impervious surface;
  - ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;

- iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

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

**11. 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.

**12. Storm Water:**

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 an effective combination of erosion and sediment control BMPs that are implemented and adequately working prior to the rainy season and during all phases of construction.

**G. Site Specific – Not Applicable****H. Total Maximum Daily Load (TMDL) – Not Applicable****I. Mitigation for Temporary Impacts – Not Applicable****J. Compensatory Mitigation for Permanent Impacts:****1. Final Compensatory Mitigation Plan:**

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Final Tracy Hills Habitat Conservation Plan (Compensatory Mitigation Plan) dated December 2020 and incorporated herein by reference.

**2. Permittee-Responsible Compensatory Mitigation Responsibility**

- a. Permittee responsible compensatory mitigation was installed on 17 December 2021.
- 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, demonstrating the transferee's acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions, has been submitted to the Central Valley Water Board."
  - 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.

**3. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.578 acre of stream channel by preserving aquatic

resources as part of the Tracy Hills Habitat Conservation Plan (THHCP) Conservation Easement Area. Through the different phases of this project which include 5B39CR00356 and R5-2023-0056, a total of 0.809 acre of stream channel and 0.042 of wetland will be permanently impacted. The THHCP Conservation Easement Area is preserving a total of 3.2 acres of aquatic resources that consists of 0.8 acre of ephemeral drainages, 0.1 acre of perennial spring, and 2.3 acre of wetlands that include seasonal wetlands, swales, and vegetated drainage channels. In total across all phases, 0.851 acre of permanent impacts are mitigated at more than a 3:1 ratio.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 3: 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					0.9	
Wetland	Permittee-Responsible	Acres					2.3	

## K. Project 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 Project Deviations as set forth in Attachment F. For purposes of this Order, a “Project Deviation” is a Project locational or impact modification that does not require an 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 requirements and the CEQA Findings.
2. A Project modification shall not be granted a Project Deviation if it warrants or necessitates changes that are not addressed by this Order or the CEQA environmental document. In this case a supplemental environmental review and/or revised Order will be required.



## CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of Waste Discharge Requirements Order R5-2025-0062 adopted by the Central Valley Water Board on 12 December 2025.

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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:** Project Deviation Procedures

Attachment A:  
Project Maps

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### Attachment A: Project Maps

Figure 1: Project Vicinity Map

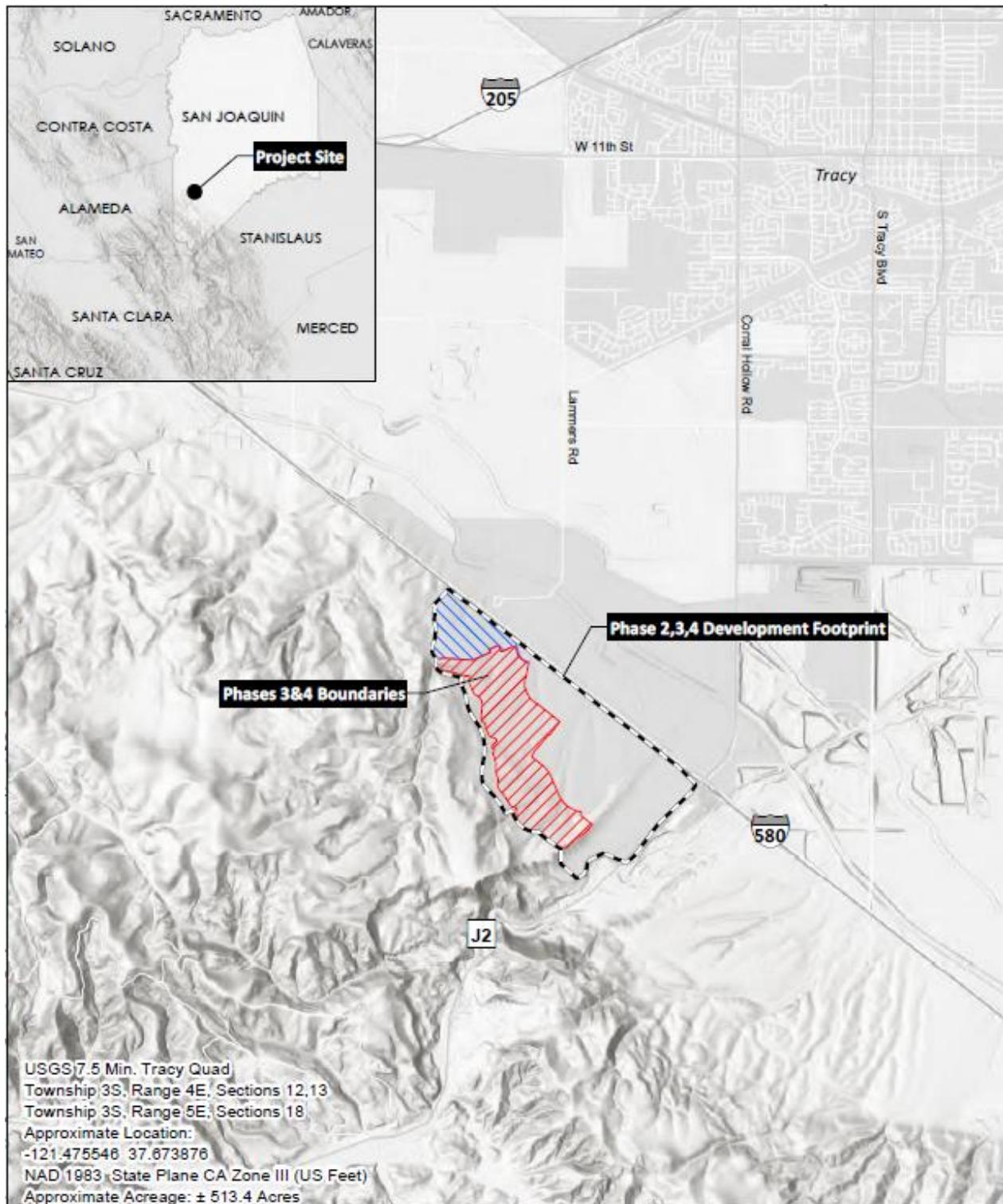


Figure 2: Project Impacts Map

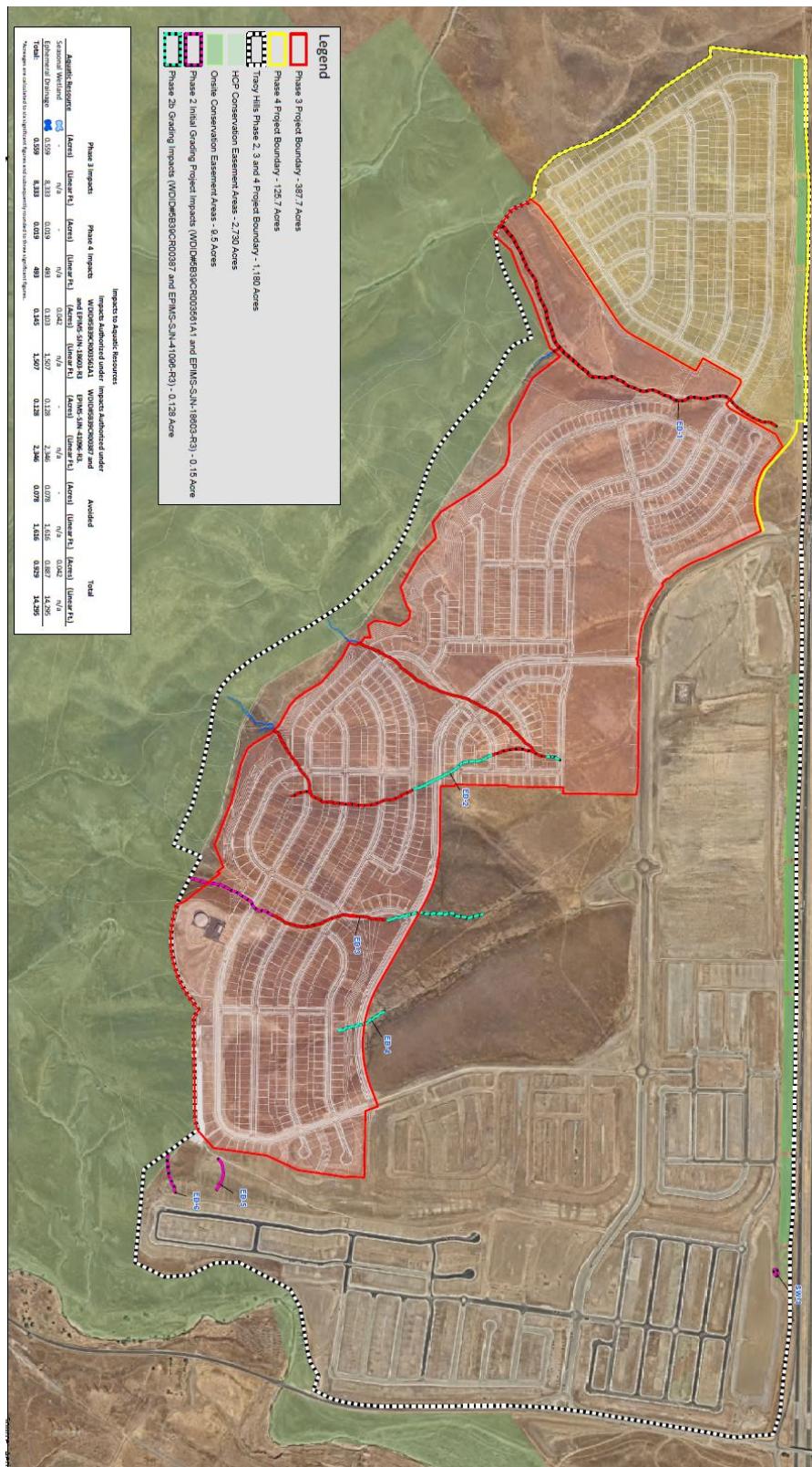
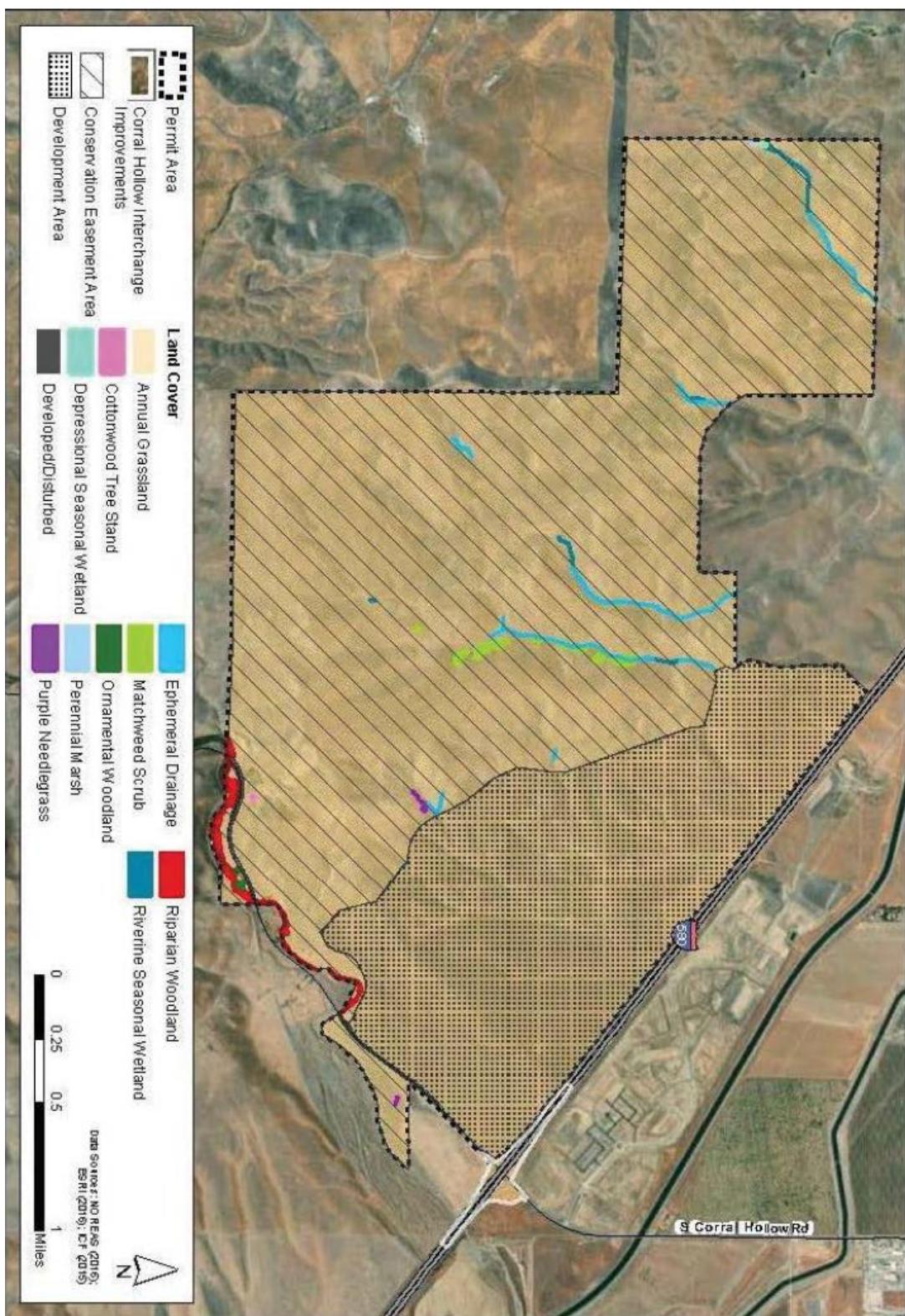


Figure 3: Permittee-responsible Compensatory Mitigation Map



Attachment B:  
Receiving Waters, Impacts and Mitigation Information

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### **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
Yes	ED-1	Unnamed ephemeral drainage not tributary to downstream receiving waters	Stream Channel	543.00	N/A	N/A	N/A	N/A
Yes	ED-2	Unnamed ephemeral drainage not tributary to downstream receiving waters	Stream Channel	543.00	N/A	N/A	N/A	N/A
Yes	ED-3	Unnamed ephemeral drainage not tributary to downstream receiving waters	Stream Channel	543.00	N/A	N/A	N/A	N/A

### **Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 2: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
ED-1	37.684235	-121.489136	No	0.306		3,531
ED-2	37.674584	-121.483268	No	0.192		4,231
ED-3	37.670705	-121.479511	No	0.081		1,064

### **Compensatory Mitigation Information**

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

#### **Permittee Responsible Compensatory Mitigation Site Information**

**Table 3: Offsite Permittee Responsible Compensatory Mitigation Site Information**

Program Name:	Tracy Hills Habitat Conservation Plan
Program Contact Name:	Wildlands, Inc.
Phone:	(916) 435-3555
Email:	wildlands@heronpacific.com
Location - County:	San Joaquin
Latitude:	37.676366
Longitude:	-121.520071

**Table 4: Mitigation Type Information**

Aquatic Resource Credit Type	Acres
Stream Channel	0.9
Wetland	2.3

Attachment C:  
CEQA Findings of Fact

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## **Attachment C – CEQA Findings of Fact**

### **A. Environmental Review**

On 5 April 2016, the City of Tracy, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2013102053) for the Project and filed a Notice of Determination (NOD) at the SCH on 26 April 2016. 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 City of Tracy's certified 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 City of Tracy 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 City of Tracy 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 15091, subd. (d).)

### **B. Incorporation by Reference**

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

The Program Environmental Impact Report (EIR), which includes analyses of broad impacts and serves as a first tier document for the FEIR, is available at: 333 Civic Center Plaza, Tracy, CA 95376.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: 333 Civic Center Plaza, Tracy CA 95376.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

### **C. Findings**

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

(1) Findings regarding impacts that will be mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

a.i. Potential Significant Impact:

- Impact 4.4-1: Implementation of the Project would result in a significant impact on special-status plant species known or with potential to utilize the existing habitat on the Tracy Hills Specific Plan (THSP).
- Impact 4.4-2: Implementation of the Project would result in a significant impact on special-status animal species known or with potential to utilize the existing habitat on the Tracy Hills Specific Plan.
- Impact 4.4-3: Implementation of the Project could result in inadvertent loss of bird nests in active use, which would be a violation of the Migratory Bird Treaty Act and CDFW Code.
- Impact 4.4-4: Implementation of the Project would result in a significant impact on federally protected “wetlands” or waters of the U.S. and State.
- Impact 4.4-5: The Project may interfere with the movement of wildlife species through an established wildlife corridor.
- Impact 4.9-1: Implementation of the Project would result in a significant impact to downstream surface water quality during construction.
- Impact 4.9-2: Implementation of the Project would result in substantial erosion or sedimentation on- and off- site with the alteration of existing drainage patterns.
- Impact 4.2-3: Implementation of the Project would provide substantial additional sources of polluted runoff during operation of the Project.
- Impact 4.9-4: Implementation of the Project could place structures within a 100-Year Flood Hazard Area.

a.ii. Facts in Support of Finding:

- 4.4-1: Prior to commencement of ground disturbing activities, communication with USFWS and CDFW should be initiated to determine if sensitive plant surveys would be required. If required, the applicant shall hire a qualified biologist to conduct sensitive plant surveys in accordance with the CDFW 2009 and USFWS 1996 protocols.

- 4.4-2a: Prior to construction activities within Areas A and B of the THSP, the following pre-construction surveys listed in the SJMSCP need to be implemented:
  1. Surveys to verify vegetation types proposed to be impacted to determine the suitability for SJMSCP Covered Species;
  2. Surveys prior to ground disturbing activities to determine success of relocated and/or implementation of Incidental Take Minimization Measures as specified in conditions of project approval;
  3. Surveys conducted in compliance with USFWS protocols to determine presence/absence of Conservancy and/or longhorn fairy shrimp within vernal pools or other wetlands in the Southwest Zone, unless no vernal pools or wetlands occur onsite or will be avoided; and
  4. Surveys conducted pursuant to the protocol established in Section 5.2.2.5(AC) of the SJMSCP for specific sensitive plant species. Sensitive plant species that have the potential to occur within the Central/Southwest Transition Zone and/or Southwest Zone are larger-flowered fiddleneck, showy madia, Hospital canyon larkspur, diamond-petaled poppy, and slough thistle; and if necessary comply with USFWS and CDFW requirements.
- 4.4-2b: Area C of the THSP is not currently covered by the SJMSCP and would need to apply independently for coverage. However, coverage under the SJMSCP may not be available for Area C. If a Project Applicant within Area C opts for coverage through participation in the SJMSCP, then the applicant shall either: 1) participate in the SJMSCP and comply with all required Incidental Take Minimization Measures or 2) secure incidental take authorizations for State and/or federally listed species directly from the CDFW and USFWS, respectively. Participation in the SJMSCP shall include compliance with all relevant Incidental Take Minimization Measures pertinent to the THSP area, including pre-construction surveys for covered species to confirm presence or absence and provide for their relocation, if necessary. Issuance of grading and construction permits shall be contingent on providing evidence of either 1) compliance with the SJMSCP or 2) a 2081 Permit from the CDFW and Biological Opinion from the USFWS to the City of Tracy Development Services Director to ensure compliance with applicable regulations and ensure adequate compensatory mitigation has been provided.

- 4.4-3: To avoid the potential for disturbance of nesting birds on or near the Project Area, schedule the initiation of any vegetation removal and grading for the period of 1 September through 15 February. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:
  1. The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.
  2. If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.
  3. Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume.

Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP.

- 4.4-4: To mitigate the potential impacts on jurisdictional wetlands and other waters, the following measures shall be implemented.

1. A Jurisdictional Determination would be required from the USACE documenting isolated conditions and lack of jurisdictional authority on the project site.
  2. A Central Valley Water Board Report of Waste Discharge (ROWD) pursuant to the California Water Code Section 13260 would need to be acquired for impacts to “waters of the State” under the jurisdictional authority of the Central Valley Water Board.
  3. A CDFW Streambed Alteration Agreement shall also be obtained where necessary under applicable laws and regulations, for any proposed Project activities that would affect State waters regulated by the CDFW in the THSP area.
- 4.4-5: To mitigate potential impacts to the movement of wildlife, the following measures shall be implemented.
    1. Prior to development of non-integral owned properties that do not have a 100-foot-wide conservation easement placed on their boundary, a 100-foot-wide conservation easement shall be placed on them to ensure that movement of wildlife will not be impeded. The 100-foot-wide conservation easement will ensure connectivity to areas that already have the conservation easement placed on them.
  - 4.9-1a: Prior to issuance of a grading or building permit, whichever occurs first, all Project Applicants shall demonstrate to the City of Tracy compliance with NPDES General Construction Activities Storm Water Permit Requirements established by the CWA, including the preparation of a SWPPP. The SWPPP shall identify specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley Water Board. Best Management Practices shall be selected from a menu according to site requirements and shall be subject to approval by the City Engineer and Central Valley Water Board.
  - 4.9-1b: Prior to issuance of a grading or building permit, whichever occurs first, all Project Applicants shall submit to the City Engineer for review a draft copy of the NOI and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Board for approval.

- 4.9-2: All Project Applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project Applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan.
- 4.9-3: All Project Applicants shall implement the following measures:
  1. Will implement sound Integrated Pest Management (IPM) principles and practices in an effort to minimize the use of pesticides in common landscaped areas, open space areas, or park areas. These programs will include setting acceptable thresholds of infestations and a process for determining the best prevention or treatment method for a given pest. Pest problems in common landscaped areas, open space areas, or park maintenance will be managed through prevention and treatment using physical, mechanical and biological controls. The use of toxic pesticides will be implemented only after other non-toxic approaches or products have been determined infeasible. Fertilizers will be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.
  2. Will cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:
    - Hazardous material use controls;
    - Hazardous materials exposure controls;
    - Hazardous material disposal and recycling.
  3. Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system.
  4. To the extent feasible, direct stormwater runoff to percolation swale and basin areas rather than directing stormwater to storm drain pipes.
  5. Use biotreatment (natural pollutant filtering) where stormwater runs off paved surfaces onto pervious surfaces.

6. Utilize sediment traps, evaporation basins, flow dissipaters, and other methods to reduce the volume and speed of stormwater runoff and reduce pollutant loads.
- 4.9-4: All Project Applicants within the 100-year floodplain shall submit and obtain approval of grading and building plans that demonstrate that the building's finished floor elevations are a minimum of 1 foot above the 100-year flood elevation for Corral Hollow Creek, and meet the requirements to withstand a 200-year flood per the ULOP Criteria.

**D. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Tracy and has reached its own conclusion to approve this Project. 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.)

**Attachment D:**  
**Reports and Notification Requirements**

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## **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/](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 (Annual Reports):** This report will be submitted 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](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Jenna.Yang@waterboards.ca.gov](mailto:Jenna.Yang@waterboards.ca.gov)
  - Include in the subject line of the email:  
ATTN: Jenna Yang; Project Name; and WDID No. 5B39CR00425

### **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: 12 December 2025**

### **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:** Tracy Hills Phases 3 and 4 Project  
**Permittee:** Tracy Phase 4, LLC  
**WDID:** 5B39CR00425  
**Reg. Meas. ID:** 461095  
**Place ID:** 901309  
**Order Effective Date:** 12 December 2025  
**Order Expiration Date:** 11 December 2030

#### **VI. Report Type Submitted**

##### **A. Part A – Project Reporting**

Report Type 1  Monthly Report – Not Applicable  
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."*

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Print Name<sup>1</sup>

Affiliation and Job Title

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Signature

Date

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

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

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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 – Not Applicable**
- 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 January. 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 Project Deviations. See Project 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 Project 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 Section 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 recurrence 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 Section C.3.
    - c. Report Contents** - As required by the approved water quality monitoring plan or as indicated in Section 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.

Attachment E:  
Signatory Requirements

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## **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."*

Attachment F:  
Project Deviation Procedures

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## **PROJECT 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 Project Deviation, as defined in Section I 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 Water Quality Certification Unit staff designated as the contact for this Order.

#### **C. Project Deviation Request:**

The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Project 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 the waters of the state;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Project 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 Project Deviation Reporting:**

1. Within 30 calendar days of completing the approved Project 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 Project Deviation activities through the reporting period with the following information.
  - a. Site name(s);
  - b. Date(s) of Project 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 Project 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).