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## Central Valley Regional Water Quality Control Board

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### TENTATIVE WATER QUALITY ORDER NO. R5-2022-0003 WASTE DISCHARGE REQUIREMENTS

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<b>Effective Date:</b>	17 February 2022	<table border="1"><tr><td>Reg. Meas. ID:</td><td>445295</td></tr><tr><td>Place ID:</td><td>876839</td></tr><tr><td>WDID No.:</td><td>5A31CR00535</td></tr><tr><td>USACE No.:</td><td>SPK-2007-01801</td></tr></table>	Reg. Meas. ID:	445295	Place ID:	876839	WDID No.:	5A31CR00535	USACE No.:	SPK-2007-01801
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WDID No.:	5A31CR00535									
USACE No.:	SPK-2007-01801									
<b>Expiration Date:</b>	16 February 2027									
<b>Project Title:</b>	Lakeside at Sutter Pointe									
<b>Program Type:</b>	Fill/Excavation									
<b>Applicant:</b>	South Sutter, LLC									
<b>Applicant Contact:</b>	Larry Gualco South Sutter, LLC 1025 Creekside Ridge Drive, Suite 240 Roseville, CA 95678 Phone: (916) 746-8501 Email: <a href="mailto:larry.gualco@lennar.com">larry.gualco@lennar.com</a>									
<b>Applicant's Agent:</b>	Rachel Brownsey Environmental Science Associates 2600 Capitol Avenue, Suite 200 Sacramento, CA 95816 Phone: (916) 737-3530 Email: <a href="mailto:rbrownsey@esassoc.com">rbrownsey@esassoc.com</a>									
<b>Water Board Staff:</b>	Peter Minkel Engineering Geologist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4684 Email: <a href="mailto:PeterG.Minkel@waterboards.ca.gov">PeterG.Minkel@waterboards.ca.gov</a>									

**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 (530) 224-4845 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:

### Application

1. South Sutter, LLC (Permittee) submitted an application on 28 September 2021. The Application was deemed complete on 27 October 2021.
2. Section 13260, subdivision (a) of the Water Code requires that any person discharging or proposing to discharge waste that could affect the quality of waters of the state file a report of waste discharge. Waters of the state is broadly defined to include any surface water or groundwater within the boundaries of the state. (Water Code, section 13050, subdivision (e).) The Permittee's application and supplemental information satisfies this requirement.

### Project Purpose and Description

3. The 874.5-acre Project is part of the Sutter Pointe Specific Plan (SPSP). Mass grading in preparation for future residential and commercial construction will result in the fill of 31.04-acres of farmed wetlands, seasonal wetlands, and agricultural ditches to construct a mixed use of retail and supporting services, recreational uses, and a broad range of residential uses and associated infrastructure.
4. The Project includes tentative maps for both large and small lots for use as residential, commercial, and public use areas. The Small Lot plan is anticipated to be the first area of the Project to be developed and includes single-family, MDR, and HDR lots; Employment Center and Commercial Center lots; Parks, and lake lots; lots for utility sites, including drainage pump station lot sewer lift station, wells, water tank site, and a PG&E substation; major rights-of-way; common landscape; and lots that serve as shared private drives. The Proposed plan is preliminary and subject to change during final design.
5. The Large Lot plan will subdivide the Project area into smaller lots consisting of a combination of Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), and Commercial Retail (CR) lots; Employment Center lots, a K-8 school, and Public/Quasi-Public uses intended for a drainage pump station, a sewer lift station, a site for two wells, a water tank site, and a Pacific Gas & Electric (PG&E) substation.

### Project Location

6. The Project site is located within Section 27, Township 11 North, Range 4 East, 12 East; Section 31, Township 11 North, Range 4 East; and Section 34, Range 11 North, Range 4 East, MDB&M.
7. Maps showing the Project location are found in Attachment A of this Order.

### Project Impact and Receiving Waters Information

8. Project impact and receiving waters information can be found in Attachment B. Table B-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 B-2 of Attachment B.

### Description of Direct Impacts to Waters of the State:

9. 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**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Stream Channel	4.62	23.900	21,547
Wetland	26.42		

### Avoidance and Minimization

10. To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in this Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state, which are in addition to requirements in the Mitigation Monitoring and Reporting Program:
  - a. Preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) consistent with the existing statewide National Pollutant Discharge Elimination System (NPDES) stormwater permit for general construction activity.
  - b. Preparation and implementation of a Best Management Practice (BMP) and Water Quality Maintenance Monitoring Plan.
  - c. Implementation of a Surface Water and Groundwater Treatment Program.

- d. Fueling equipment and vehicles will be staged as far away from sensitive land uses as feasible.
- e. Implementation of spill pollution and prevention measures.

### **Compensatory Mitigation**

- 11. Compensatory Mitigation is required for permanent physical loss and permanent ecological degradation of a water of the state. The Permittee is required to provide compensatory mitigation for direct impacts, as described in Attachment B, Tables B-3 and B-4.

### **Regulatory Considerations**

- 12. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.
- 13. Pursuant to Water Code section 106.3, subdivision (a), it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
- 14. 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.
- 15. 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.

16. 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 1:1 ratio (credits to impacted aquatic resources) by purchasing credits through an approved mitigation bank. 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.

17. 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 applicable water quality plans, is discussed below. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

18. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste (Water Code, section 13263, subdivision (g).)

19. This Order and its associated monitoring and technical reporting provisions are also 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.

### **California Environmental Quality Act (CEQA)**

20. On 30 June 2009, the County of Sutter, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2007032157) for the Project and filed a Notice of Determination (NOD) at the SCH on 1 July 2009. In August 2014, the County of Sutter issued an Addendum to the FEIR. On 17 November 2020, the County of Sutter approved a second Addendum to the EIR and filed a NOD on 19 November 2020.
21. 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.

### **Public Notice**

22. The tentative Waste Discharge Requirements were publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5.
23. At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

### **Petitions for Reconsideration**

24. 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))

## Fees Received

25. An application fee of \$2,066.00 was received on 28 September 2021. 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) with the dredge and fill fee calculator.
26. An additional fee of \$177,179.00 based on total Project impacts was received on 31 December 2021.

## 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. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes (i.e., other than those described herein), or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260.

### B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals required pursuant to Water Code section 13267, subdivision (b)(1). Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

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

In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the **1st day of each month**

beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

**b. Annual Reporting: Not Applicable**

**2. Project Status Notifications**

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID#) issued under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

**3. Conditional Notifications and Reports:**

The following notifications and reports are required as appropriate.

**a. Accidental Discharges of Hazardous 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 page ([http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)).
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

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

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

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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.)

**c. In-Water Work and Diversions:**

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

**d. Modifications to Project**

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

**e. Transfer of Property Ownership:**

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

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

**f. Transfer of Long-Term BMP Maintenance:**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide

such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### **C. Water Quality Monitoring**

#### **1. General:**

If surface water is present continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling<sup>2</sup>:

- a. when performing any in-water work;
- b. during the entire duration of temporary surface water diversions;
- c. in the event that the Project activities result in any materials reaching surface waters; or
- d. when any activities result in the creation of a visible plume in surface waters.

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

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<sup>2</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

**Table 2: Sample Type and Frequency Requirements**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>3</sup>	Every 4 hours during in-water work	4, 5
Visible construction related pollutants <sup>6</sup>	Observations	Visual Inspections	Continuous throughout the construction period	NA

The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause turbidity increases in surface water to exceed:
  - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
  - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

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<sup>3</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

<sup>4</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.

<sup>5</sup> A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

<sup>6</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

## **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. Post-Construction:**

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

## **D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 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.

## E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. 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.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. The Permittee shall adhere to all requirements in the Mitigation Monitoring and Reporting Program (MMRP) developed by the City of Chico for mitigation measures that have been adopted for the project to reduce potential impacts which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
6. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

**F. Administrative**

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

## **G. Construction**

### **1. Fugitive Dust:**

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

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

1. 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.
2. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
3. All materials resulting from the Project shall be removed from the site and disposed of properly.

## **I. Hazardous Materials**

1. 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.3.a and B.3.b.
2. No wet concrete will be placed into wetland habitat.

**J. Invasive Species and Soil Borne Pathogens**

1. 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.

**K. Post-Construction Storm Water Management**

1. 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:
  - a. Minimize the amount of impervious surface;
  - b. Reduce peak runoff flows;
  - c. Provide treatment BMPs to reduce pollutants in runoff;
  - d. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - e. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - f. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - g. 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;
  - h. 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
  - i. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

**L. Roads**

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.

#### **M. Sediment Control**

1. 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.
2. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

#### **N. Stabilization/Erosion Control**

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

#### **O. Storm Water**

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

**P. 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 Natomas Basin Habitat Conservation Plan (NBHCP) (Compensatory Mitigation Plan) dated April 2003 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff.

**2. Total Required Compensatory Mitigation**

a. The Permittee is required to provide compensatory mitigation for the authorized impacts to 31.04 acres of wetland and streambed habitat by purchasing 31.04 mitigation credits for managed marsh establishment mitigation areas within the Natomas Basin Habitat Conservation Plan. The managed marsh areas are expected to meet wetland criteria based on its wetland hydrology, soils, and vegetation consistent with wetland habitat features. 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 (Unk.)].

**Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

<b>Aquatic Resources Type</b>	<b>Mitigation Type</b>	<b>Units</b>	<b>Est.</b>	<b>Re-est.</b>	<b>Reh.</b>	<b>Enh.</b>	<b>Pres.</b>	<b>Unk.</b>
Managed Marsh (wetland)	MB or ILF	Acres	31.04					

**Q. 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 R5-2022-0003 adopted by the Central Valley Water Board on 17 February 2022.

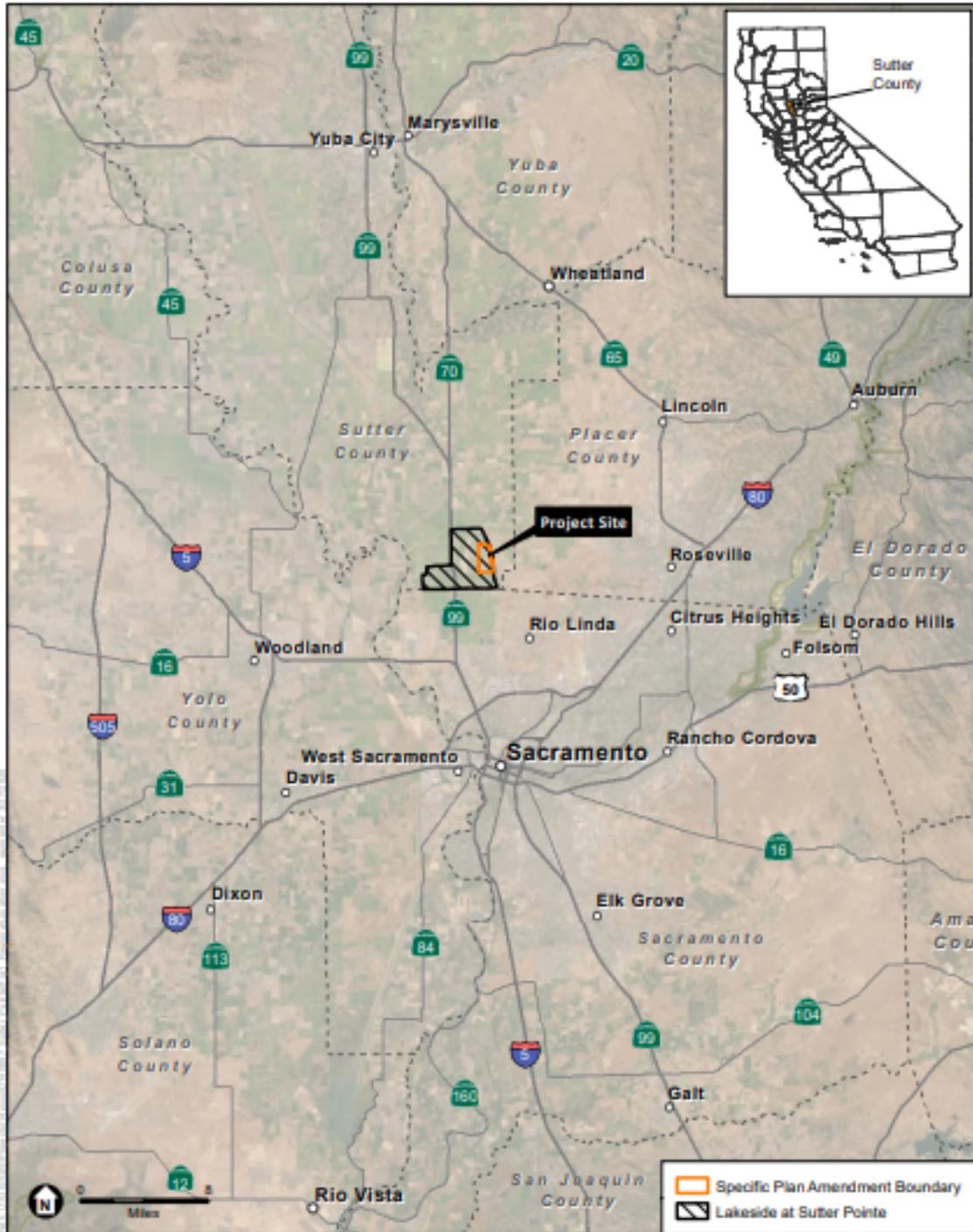
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PATRICK PULUPA  
Executive Officer  
Central Valley Regional Water Quality Control Board

- Attachment A:** Project Map
- 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

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Figure 1 – Regional Location Map



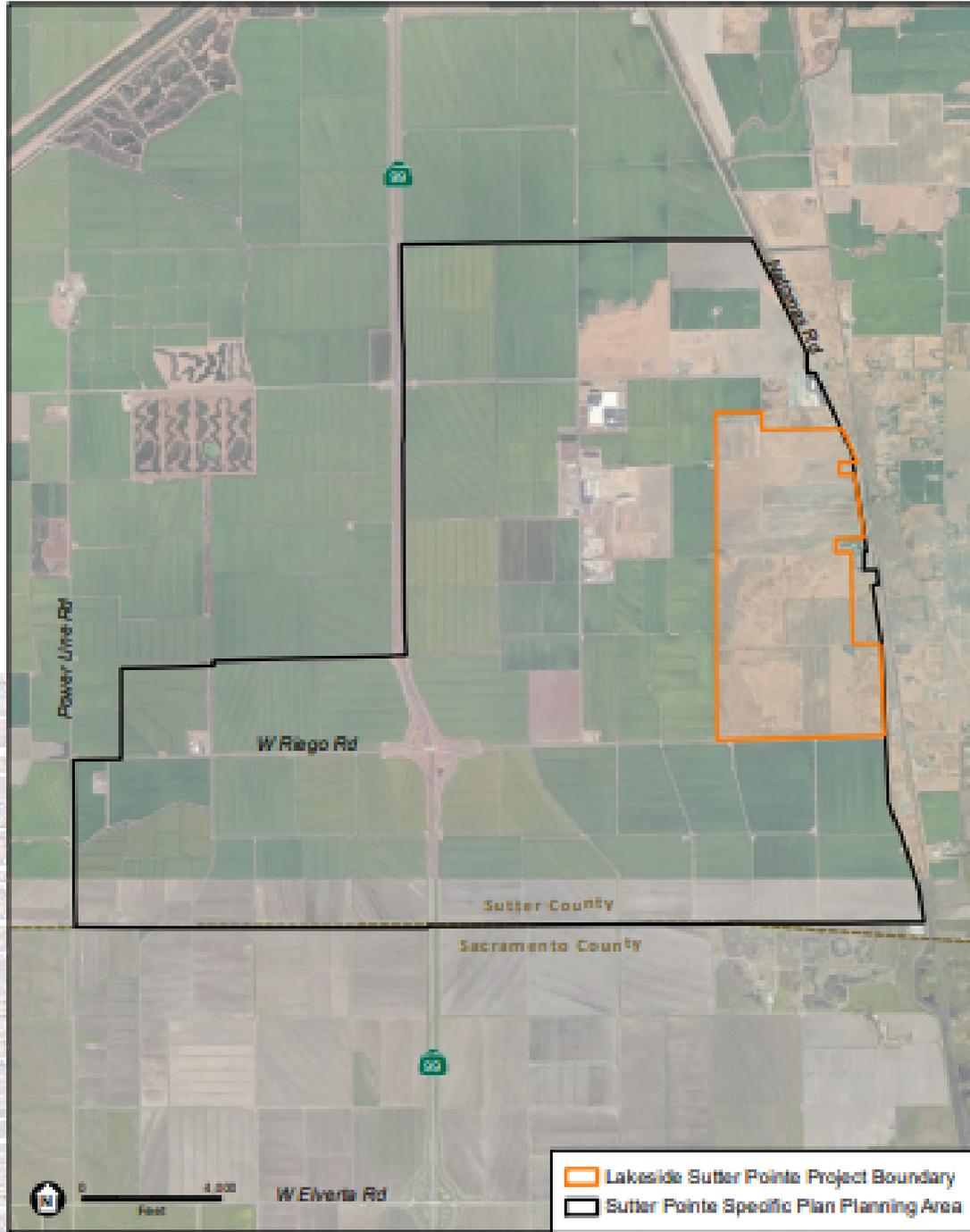
SOURCE: Esri, 2019; ESA, 2020

Lakeside at Sutter Pointe

Figure 1  
Regional Location



Figure 2 - Project Site Map



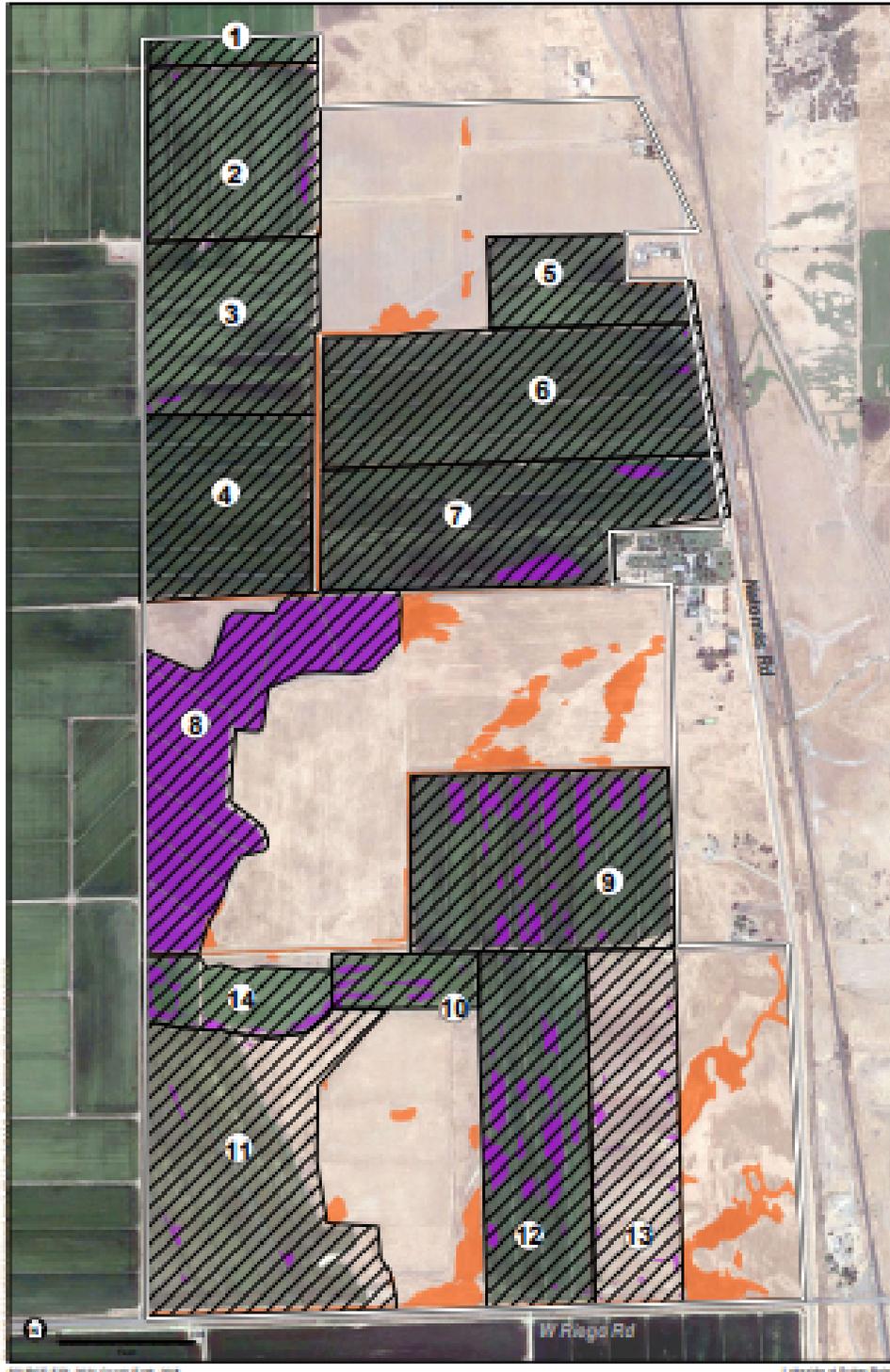
SOURCE: Esri, 2018, Esri, 2021

Sutter Pointe Specific Plan

Figure 2  
Project Site



**Figure 3 – Site Features**



Source: EPA, 2007; Google Earth, 2012

Lakeside at Sutter Pointe

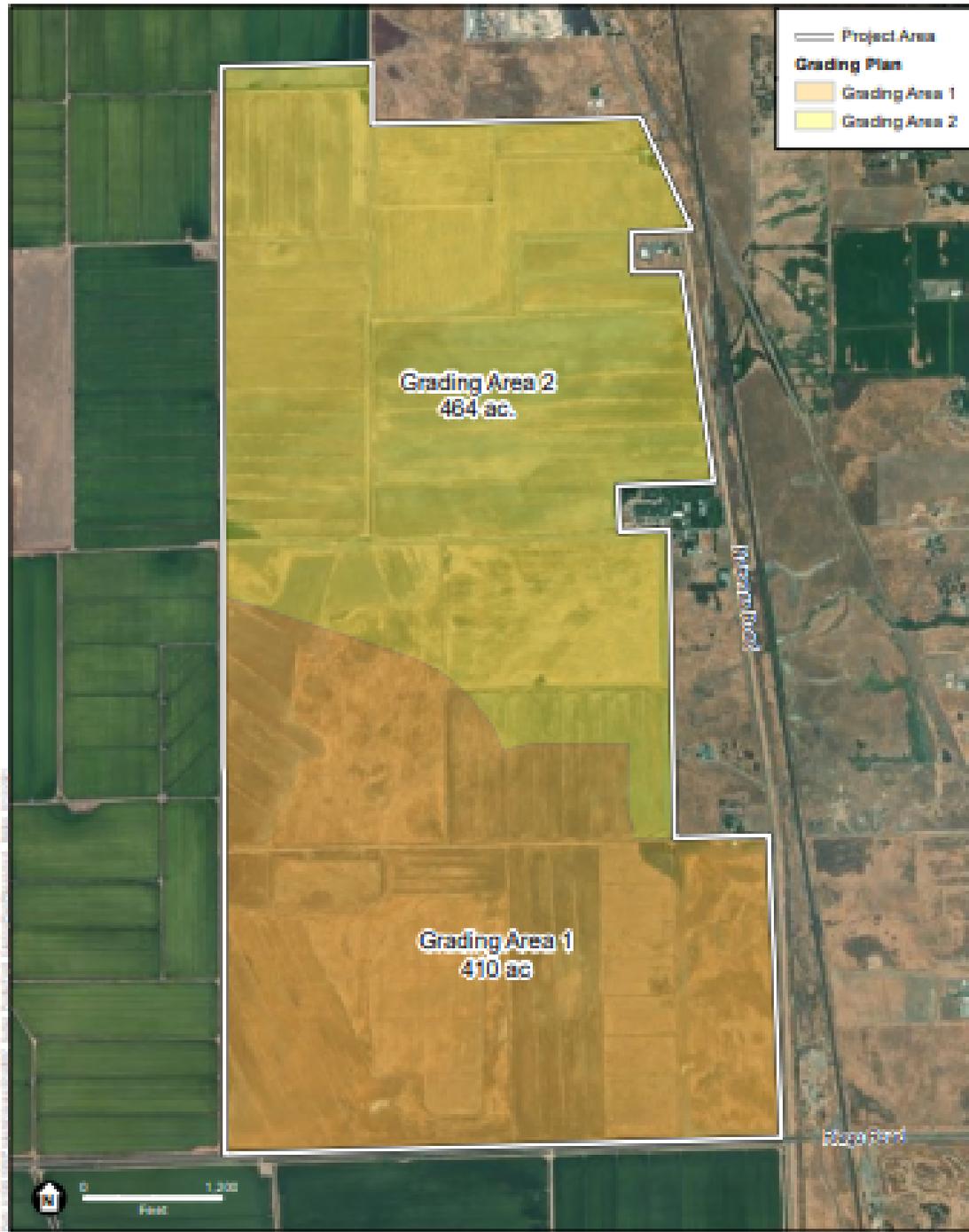
Coordinate System: NAD 83  
Projection: UTM  
Datum: North American 1983  
Units: Meter

-  Rice Fields
-  Waters of the State
-  Farmed Wetlands in Rice Fields

**Figure 4**  
Waters of the State and Excluded  
Farmed Wetlands in Rice Fields

NOTE: Field 8 and the eastern portion of Field 11 were formed in rice in 2007 and 2010, but not in 2011; therefore those areas are included as rice fields.

**Figure 4 – Grading Plan**



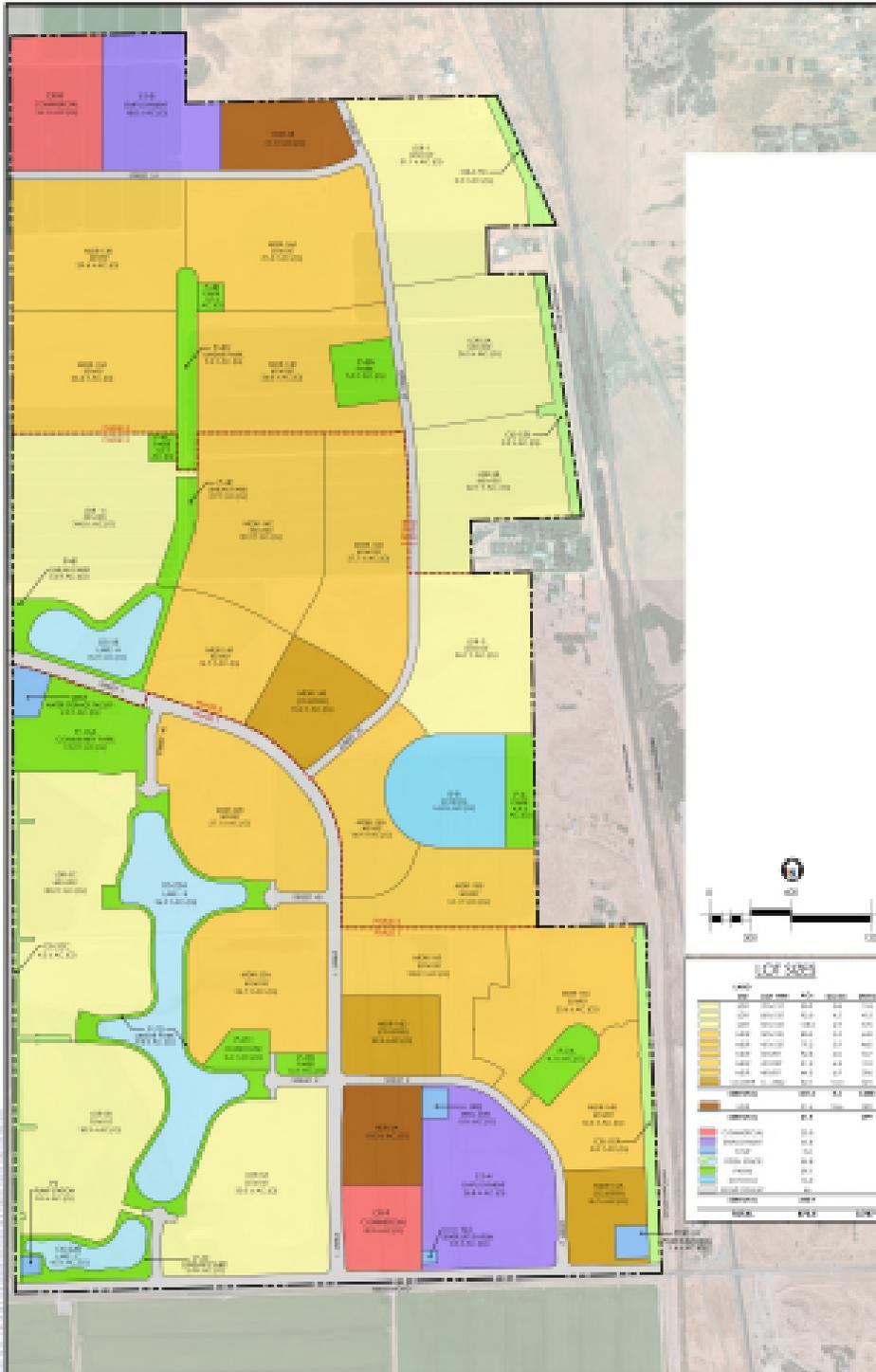
SOURCE: Meier, 2020; Wood Rodgers, 2021; ESA, 2021

Lakeside at Sutter Pointe

**Figure 5**  
Project Grading Areas



**Figure 5 – Proposed Land Use**



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Lakeside at Sutter Pointe

**Figure 5**  
Proposed Land Use Plan



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**Receiving Waters, Impacts and Mitigation Information**

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

**Table B-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
Yes	Streambed (agricultural Ditches)	Unnamed	Former Agricultural Ditches	519.22	Sacramento River	AGR, IND, REC-1, REC-2, WARM, COLD, WILD	NA
Yes	Wetlands	Unnamed	Seasonal Wetlands and Farmed Wetlands	519.22	Sacramento River	AGR, IND, REC-1, REC-2, WARM, COLD, WILD	NA

**Individual Direct Impact Locations**

The following tables show individual impacts.

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Streambed	38.751	-121.494	No	4.62	23,900	21,547
Wetlands	38.751	-121.494	No	26.42		

**Compensatory Mitigation Information**

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

**Table B-3: Mitigation Bank**

Mitigation Bank Name:	Natomas Basin Habitat Conservation Plan
Website:	<a href="https://natomasbasin.org">https://natomasbasin.org</a>
Mitigation Bank Contact Name:	John Roberts, Executive Officer
Phone:	(916) 649-3331
Email:	<a href="mailto:jroberts@natomasbasin.org">jroberts@natomasbasin.org</a>
Mitigation Location - County:	Sutter
Latitude:	TBD
Longitude:	TBD

**Table B-4: Mitigation Type Information**

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Managed Marsh (Wetland) – MB or ILF	31.04		

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## **A. Environmental Review**

On 30 June 2009, the County of Sutter, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2007032157) for the Sutter Pointe Specific Plan and filed a Notice of Determination (NOD) at the SCH on 1 July 2009. An Addendum to the Sutter Pointe Specific Plan FEIR (Addendum) was prepared in August 2014. The Addendum analysis concluded that the FEIR did not include changes that would create a new significant impact or a substantial increase in the severity of any previously analyzed impact. On 17 November 2020, the County of Sutter approved a second Addendum and filed a NOD on 18 November 2020. 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 County of Sutter'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 County of Sutter addresses the Project's water quality 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 County of Sutter 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: 1130 Civic Center Boulevard, Yuba City, CA 95993.

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: 1130 Civic Center Boulevard, Yuba City, CA 95993.

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, 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:

- 1a) Implementation of the proposed project could result in the placement of fill material into jurisdictional waters of the United States, including wetlands subject to USACE jurisdiction under the federal CWA, and the potential loss and degradation of wetland habitats protected under state and local regulations.
- 1b) Construction activities during project implementation would involve extensive grading and movement of earth, which could temporarily expose soils to erosion.
- 1c) Construction workers could be exposed to hazardous materials present on-site during construction activities, and hazardous materials on-site could create an environmental or health hazard if left in place.
- 1d) Two areas of the project site are listed on the Cortese List as known hazardous materials sites. Implementation of the proposed project could expose construction workers to hazardous materials from these sites during construction activities, and hazardous materials on-site could create an environmental or health hazard if left in place.

#### a.ii. Facts in Support of Finding:

- 1a) The Applicants will secure a Clean Water Act Section 401 Permit or Waste Discharge Requirements, and California Fish and Game Code Streambed Alteration Agreements; Implement All Permit Conditions; and Ensure No Net Loss of Wetlands, other Waters of the United States, and Associated Functions and Values.
- 1b) A grading and erosion control plan shall be prepared by a California Registered Civil Engineer retained by the project applicant(s) for all project phases. The grading and erosion control plan shall be submitted to the applicable County Public Works Department(s) before issuance of grading permits for all new development on the project site and all supporting elements. The plan shall be consistent with the state's NPDES permit requirements and shall include the site-specific grading associated with development for all project phases. The plan

shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing; and covering or watering of stockpiled soils to reduce wind erosion. Stabilization of construction entrances to minimize track-out (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The project applicant(s) of all project phases shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials. Implementation of Mitigation Measure 3.7-1 (discussed in "Hydrology and Water Quality") also would help to reduce erosion-related impacts.

- 1c) To reduce health hazards associated with potential exposure to hazardous substances, the project applicant(s) for all project phases shall implement the following measures before the start of ground disturbing or demolition activities within each phase of project development:
- Prepare a Phase II ESA investigation of Area G based on the recommendation of the WKA (2005c) Phase I ESA.
  - Prepare a Phase I ESA covering all areas before development. If recommended by the Phase I(s), a Phase II ESA investigation is also required. These investigations shall follow Phase I and/or II ESA and/or other appropriate testing guidelines and shall include, as necessary, analysis of soil and/or groundwater samples taken at or near the potential contamination sites. Recommendations in the Phase I and/or II ESA(s) to address any contamination that is found shall be implemented before ground-disturbing activities are initiated in these areas.
  - A new Phase I ESA or ESAs covering sites that are proposed for use by schools shall be submitted to DTSC for review and approval before CDE will approve purchase of the site. If toxic or hazardous substances, including pesticides, naturally occurring asbestos, or other regulated hazardous materials, are found to be present, subsequent studies (i.e., a Phase II Preliminary Endangerment Assessment, Phase III remedial action) shall be performed as required by DTSC and CDE.
  - If Phase I and/or Phase II ESAs indicate the presence of soil and/or groundwater contamination, a site remediation plan shall be prepared pursuant to Section 25401.05(a)(1) that identifies any necessary remediation activities appropriate for proposed land

uses, including excavation and removal of on-site contaminated soils, redistribution of clean fill material on the project site, and remediation of contaminated groundwater (e.g., installation of groundwater extraction and treatment [GET] facilities). The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site (e.g., compliance with Division of Traffic Operations (DTO) and Caltrans transport regulations, and disposal at facilities permitted by EPA and/or DTSC to accept hazardous wastes). If contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the County, DTSC, and other appropriate regulatory agencies as required (e.g., the Central Valley RWQCB), and shall follow required actions specified by the regulatory agencies (e.g., dewater the excavated area, properly dispose of contaminated groundwater, or set up GET facilities as required). The contractors of all project phases shall be required to comply with the site remediation plan, which shall outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriately permitted off-site disposal facility.

- Retain a licensed contractor to remove all USTs, leaking USTs, and ASTs within the project site. Additionally, any stained soils associated with the debris piles, USTs, and/or ASTs shall also be removed by the licensed contractor, in accordance with Sutter County Environmental Management Department and RWQCB regulations, including Division 7 of the California Water Code (Porter Cologne Water Quality Control Act) and the State Water Resources Control Board regulations (Underground Tank Regulations, CCR 23 Division 3, Chapter 16).
- Retain a licensed contractor to remove and dispose of all transit pipe found within the project site in accordance with Section 39658(b)(1) of the Health and Safety Code and EPA's NESHAP for Asbestos.
- Retain a licensed contractor to remove all septic systems in accordance with applicable local, state, and federal regulations.
- Retain a licensed professional to conduct groundwater sampling from existing water supply wells on the Hintz parcel of Area G to evaluate the potential for nitrate and/or particulate contamination of groundwater as recommended by Geocon. If groundwater contamination is identified, prepare a site remediation plan pursuant to Section 25401.05(a)(1), as described above, in

consultation with the appropriate regulatory agencies (e.g., EPA, DTSC, RWQCB).

- Retain a Cal-OSHA-certified Asbestos Consultant and Lead Based Paint Inspector/Assessor before demolition of any on-site buildings to investigate whether any asbestos-containing materials or lead-based paints are present. If any materials containing asbestos or lead are found, they shall be removed by an accredited contractor in accordance CCR 17 Section 36000 and 36100 (lead-based paint) and Section 39658(b)(1) of the Health and Safety Code (asbestos). In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal-OSHA asbestos and lead worker construction standards. The materials containing asbestos and lead shall be disposed of properly at an appropriately permitted off-site disposal facility. Obtain an assessment conducted by PG&E pertaining to the contents of the existing pole-mounted transformers located on the project site. The assessment shall determine whether existing on-site electrical transformers contain PCBs and whether there are any records of spills from such equipment. If equipment containing PCB is identified, the maintenance and/or disposal of the transformer shall be subject to the regulations of the Toxic Substances Control Act under the authority of the Sutter County Environmental Health Division.
- Refrain from developing existing on-site agriculture or domestic water wells for further use. Such wells shall be closed in accordance with local and state guidelines. Consistent with DOG guidelines, project related structures shall not be constructed atop abandoned wells.
- Obtain an inspection of abandoned boring sites by DOG and hire a licensed environmental professional to determine whether re-abandonment of the two “dry hole” gas borings is required to meet current standards. Implementation of this mitigation measure for later project phases may have indirect impacts that could affect residents of earlier project phases, as the required activities have the potential to generate dust, noise, traffic, and transportation of hazardous materials. Hazardous materials transportation is governed by existing regulations as described in the “Environmental Setting” section above and the discussion of Impact 3.12-1. Other indirect impacts, including noise, traffic, and air quality emissions, are analyzed throughout this DEIR in Sections 3.1 through 3.17.

1d) Before excavation or construction activities begin on the project site in the vicinity of the Farm Air Service and Holt Tractor parcels, the

project applicant(s) of all affected project phases shall retain a licensed professional to investigate the environmental status of the contaminated groundwater plume, contaminated soils, and any remediation activities at the Holt Tractor and Farm Air Service sites. This investigation may include a review of Cal-EPA or DTSC files and shall include identification of the specific location of the Farm Air Service site, which was not defined in the available Phase I ESAs. Prior to the start of development activities adjacent to the Holt Tractor parcel, additional intrusive investigation shall be conducted by a licensed professional to delineate the extent of the contaminated groundwater plume (which could have changed after preparation of this EIR) and recommend potential treatment options.

Project development shall not occur in any area of contaminated soil or groundwater until the following activities take place:

- Remove all contaminated soil, dispose of contaminated soils at a properly licensed facility, and replace contaminated soil with clean fill dirt.
- Consult with appropriate regulatory agencies, such as DTSC, RWQCB, and Sutter County Department of Environmental Health, and implement all actions required by the regulatory agencies (e.g., dewatering, installation of groundwater monitoring wells, installation of GET facilities) during the consultation process in areas of contaminated groundwater.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, title 14, section 15091, subd. (a)(2)).

*There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

a.i. Potential Significant Impact:

2a) Implementation of the proposed project would result in both direct and indirect impacts on the giant garter snake. These impacts would include loss and degradation of existing habitat and effects on habitat connectivity.

2b) Implementation of measures to mitigate impacts on the Giant Garter Snake that are not covered by the NBHCP.

a.ii. Facts in Support of Finding:

2a) The project applicants(s) of all Authorized Development shall adhere to the relevant giant garter snake take, avoidance, and minimization measures contained in the NBHCP (Sections V.A.1 and VI.E.1i) and summarized below:

- Reduce direct impacts on giant garter snake by restricting construction in giant garter snake habitat to the active period for giant garter snake (between May 1 and September 30).
- Completely dewater all irrigation ditches, canals, or other aquatic habitat, with no puddled water remaining, for at least 15 consecutive days before the excavation or filling in of the dewatered habitat to remove giant garter snake prey. Dewatering shall occur between April 15 and September 30.
- Survey the project area for giant garter snake no more than 24 hours before the start of construction activities (site preparation and/or grading). If construction activities stop on the project site for 2 weeks or more, a new snake survey shall be completed no more than 24 hours before the restart of construction activities.
- Confine clearing to the minimal area necessary to facilitate construction activities. Giant garter snake habitat within or adjacent to the project site shall be flagged as an “Environmentally Sensitive Area” and designated as avoided.
- Provide USFWS-approved environmental awareness training for all construction personnel completing site preparation and grading operations. Construction personnel shall be trained on how to identify giant garter snakes and their habitats and on handling protocol if a giant garter snake is encountered during construction activities. An on-site biological monitor shall be available during the training.
- Immediately notify USFWS and the project biological monitor if a live snake is found during construction activities. The snake shall be monitored by the biological monitor and allowed to leave the area on its own.
- Remove any temporary fill and/or construction debris used by the snake as an overwintering site from the site upon completion of construction.
- When working within 200 feet of snake aquatic or rice habitat, avoid plastic, monofilament, jute, or similar erosion control matting that could entangle snakes.
- Construct fences within the project site along the shared boundary of urban development and the North Drainage Canal and the East Drainage Canal. The fences shall be subject to the following guidelines:
  - Provide a minimum of 100 feet from fence to fence.
  - Limit access to the canals by constructing gates.

- Place a snake deterrent along the fences on the North Drainage Canal and the East Drainage Canal. The design of the deterrent shall be subject to approval by a qualified biologist.
  - Immediately install the fence/barrier after site grading is completed.
- 2b) The project applicant(s) of all off-site elements not covered by the NBHCP shall implement the following measures to avoid, minimize, and compensate for potential project impacts on giant garter snake:
- Consult with a qualified biologist to ensure that the alignments for all off-site improvement areas avoid giant garter snake to the extent feasible. All aquatic and upland habitats that can be avoided shall be protected by temporary fencing during construction. Additional measures consistent with the goals and objectives of the NBHCP shall be implemented to minimize the potential direct injury or mortality of individual giant garter snakes during construction. Such measures shall be finalized in consultation with DFG and USFWS and are likely to include conducting worker awareness training, timing initial ground disturbance to correspond with the snake's active season (as feasible in combination with minimizing disturbance of nesting Swainson's hawks), dewatering aquatic habitat before fill, conducting preconstruction surveys, and conducting biological monitoring during construction.
  - Develop and implement a giant garter snake conservation strategy that is consistent with the NBHCP's strategy for establishing an interconnected reserve system composed of marshland, uplands, and rice fields in the Natomas Basin. The conservation strategy shall include on- and off-site habitat preservation, restoration, and creation as needed to meet the performance standard of no net loss in function and value of giant garter snake habitat. The conservation strategy shall establish specific success for habitat creation, specify remedial measures to be undertaken if success criteria are not met (e.g., adaptive management, physical adjustments to created habitat, additional monitoring), and describe short- and long-term maintenance and management of the features. Long-term protection of the created features and funding for their management shall be provided through appropriate mechanism to be determined.

#### **D. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the County of Sutter 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.)

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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/))
- 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:** NA
  - **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: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov) and cc: [peterg.minkel@waterboards.ca.gov](mailto:peterg.minkel@waterboards.ca.gov).
  - Include in the subject line of the email:  
ATTN: Peter Minkel; Project Name; and WDID No. 5A51CR00127

### 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:** 17 February 2022

### 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:** Lakeside at Sutter Pointe Project  
**Permittee:** South Sutter, LLC  
**WDID:** 5A51CR00127  
**Reg. Meas. ID:** 445295  
**Place ID:** 876839  
**Order Effective Date:** 17 February 2022  
**Order Expiration Date:** 16 February 2027

**VI. Report Type Submitted**

**A. Part A – Project Reporting**

Report Type 1  Monthly Report  
Report Type 2  Annual Report

**B. Part B – Project Status Notifications**

Report Type 3  Commencement of Construction  
Report Type 4  Request for Notice of Completion of Discharges Letter  
Report Type 5  Request for Notice of Project Complete Letter

**C. Part C – Conditional Notifications and Reports**

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

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

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<b>Print Name<sup>1</sup></b>	<b>Affiliation and Job Title</b>
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<b>Signature</b>	<b>Date</b>
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**<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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<b>Permittee's Signature</b>	<b>Date</b>
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<b>*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.</b>
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## **A. Part A – Project Reporting**

### **1. Report Type 1 - Monthly Report**

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

#### **c. Report Contents -**

##### **i. Construction Summary**

Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control. If construction has not started, provide estimated start date.

##### **ii. Event Summary**

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.

##### **iii. Photo Summary**

Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

##### **iv. Compliance Summary**

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

### **2. Report Type 2 - Annual Report – Not Applicable**

## **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 reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

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

- a. Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.

- b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan submitted under the requirements of this Order.
- c. **Report Contents** - As required by the approved water quality monitoring plan submitted under the requirements of this Order.

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

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

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
- b. **When to Submit** - At least 10 working days prior to the transfer of ownership.
- c. **Report Contents** -
  - i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
    - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
    - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

- ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

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

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## **SIGNATORY REQUIREMENTS**

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

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

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

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## **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 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 any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (California Code of Regulations, Title 14, sections 15061, 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).