



## Central Valley Regional Water Quality Control Board

### WATER QUALITY ORDER NO. R5-XXXX-XXXX WASTE DISCHARGE REQUIREMENTS

**Effective Date:** XX December 2023

**Expiration Date:** XX December 2028

**Program Type:** Fill/Excavation

**Project Type:** Dams

**Project:** Bohannon Dam Automation Project (Project)

**Applicant:** Sutter Mutual Water Company

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**Water Board Contact Person:** If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (530) 224-4845 and ask to speak with the Water Quality Certification Unit Supervisor.

Reg. Meas. ID:	453888
Place ID:	889839
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## FINDINGS

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

1. **Application:** The Central Valley Water Board received an application from Sutter Mutual Water Company (Permittee) on 15 June 2023. These Waste Discharge Requirements (Order) are for the purpose described in the application and supplemental information submitted by the Permittee. Central Valley Water Board staff requested additional information necessary to supplement the contents of the application, and the Permittee responded to the request for supplemental information on 1 September 2023. The application was deemed complete on 7 September 2023.
2. **Project Description:** The 6.68-acre Project will improve flood control and enhance water sustainability in the Sacramento River Basin, increase flood control benefits downstream of the Bohannon Dam structure, and improve operation efficiency within Reclamation District (RD) 1500 and the Permittee's service areas. Project improvements will occur at the Bohannon Water Control Facility located on the Permittee's Main Canal which is an irrigation and stormwater facility shared with RD 1500. Currently the Bohannon Dam structure requires constant monitoring by staff and manual adjustments to the system to maintain operation water levels resulting in lost water and varying water level and flow rates. An average of 20,000 acre-feet of water is lost from the Main Canal each year.

A new Bohannon Dam structure will be fitted with six Rubicon SlipGates (or check structures). These check structures are 100% watertight when the SlipGates are in their closed position, allowing the check structure to pass zero flow downstream when there is no flow demand scheduled. Principal construction activities would be:

- Installation of two cofferdams and water bypass system.
- Excavation and grading of an embankment placed in the Main Canal.
- Construction of a new Bohannon Dam structure, including the construction/installation of:
  - concrete slab and footing;
  - land bridge, access walkway, and handrails;
  - Rubicon SlipGates; and
  - "boom" (or floating barrier) upstream and trash rack downstream.
- Placement of shotcrete surrounding new Bohannon Dam Structure.
- Placement of fencing surrounding the Proposed Project site.
- Removal of existing Bohannon Dam check structures, access walkway, and hardware.

The Project will take place in two phases. Phase 1 includes the construction of the new Bohannon Dam and is expected to take approximately 4 months to complete.

Phase 2 includes the removal of the existing dam structure and will occur approximately 2 to 4 years after completion of the new structure to ensure that it is working as intended.

**3. Project Location:**

County: Sutter

Nearest City: Robbins

Township 12 North, Range 14 West, MDB&M.

Latitude: 38.886658° and Longitude: -121.715969°

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

**4. Project Impact, Receiving Waters, and Beneficial Uses:** Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

**5. Description of Direct Impacts to Waters of the State:** Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.85		

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.26		

**6. Description of Indirect Impacts to Waters of the State:** The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Soil moving activities associated with construction in locations proximal to and within the Main Canal will be confined to the Main Canal using the existing infrastructure. However, work in the wetted channel could generate turbidity within waters of the state. The Permittee would implement a water diversion plan, erosion control measures, and a Stormwater Pollution Prevention Plan (SWPPP), as

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

described in the Avoidance and Minimization Measures to ensure that the Project would avoid and minimize erosion, sedimentation, and turbidity in waters of the state at the Project site.

Project construction activities would require the use of limited quantities of common hazardous substances, such as gasoline and diesel fuel, oils and lubricants, hydraulic fluid, and solvents to maintain vehicles and motorized equipment. The improper use, storage, handling, transport or disposal of hazardous materials during construction could result in an accidental release exposing construction workers, the public and the environment, including soil and/or ground or surface water. The Permittee and its contractors will comply with regulatory requirements for the safe transport, use, storage, handling and disposal of hazardous materials to ensure hazardous materials do not enter waters of the state at the Project site.

7. **Fees Received:** An application fee of \$2,734.00 was received on 20 June 2023. An additional fee of \$24,312.00 based on total Project impacts was received on 14 September 2023. The fee amount was determined as required by California Code of Regulations, title 23, section 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84).
8. **Avoidance and Minimization:** The project qualified as a Tier Two project under the State Water Resource Control Board's Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures), and the Project is the least environmentally damaging practicable alternative.

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:

- The Permittee shall prepare an Erosion Control Plan. The Erosion Control Plan will detail the erosion and sedimentation prevention measures to be implemented. As part of this plan, the Permittee will ensure that sediment-control devices are installed and maintained correctly. For example, sediment will be removed from engineering controls once the sediment has reached one-third of the exposed height of the control. The devices will be inspected frequently (i.e., daily or weekly, as necessary) to ensure that they are functioning properly; controls will be immediately repaired or replaced, or additional controls will be installed as necessary. Sediment that is captured in these controls may be disposed of on site in an appropriate, safe, approved area, or off site at an approved disposal site.
- Areas of soil disturbance, including temporarily disturbed areas, will be seeded with a regionally appropriate erosion control seed mixture. On soil slopes with an angle greater than 30 percent, erosion control blankets will be installed, or a suitable and approved binding agent will be applied. Runoff will be diverted away from steep or denuded slopes.
- Where habitat for federally listed species is identified in, or adjacent to, the project footprint, all disturbed soils at the site will undergo erosion control

treatment before the rainy season starts and after construction is terminated. Treatment may include temporary seeding and sterile straw mulch.

9. **Compensatory Mitigation:** The Permittee is required to provide compensatory mitigation described in section 5 for temporary impacts that have temporal loss and/or degradation of ecological condition. The Permittee is required to provide compensatory mitigation for direct impacts, described in section 5 for permanent impacts.
10. **Basin Plan:** Receiving waters potentially impacted by this Project are protected in accordance with the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition*, rev. February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's \(State Water Board\) Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.
11. **Waste Discharge Requirements:** This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides, in pertinent part, the following:

*The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.*

Compliance with section 13263, subdivision (a), including implementation of the Basin Plan, is discussed below. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.
12. **Antidegradation Policy:** State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Antidegradation Policy), requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained.
13. **No Net Loss Policy:** Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective to ensure no overall

net loss of and a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California (No Net Loss Policy). The State Water Resources Control Board and Regional Water Quality Control Boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.

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

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

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

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

**13. California Environmental Quality Act (CEQA):** On 25 July 2023, the Reclamation District No. 1500, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2023050632) for the Project and filed a Notice of Determination (NOD) at the SCH on 28 July 2023. 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.

**14. Liability for Noncompliance:** Failure to comply with this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee may then be

subject to administrative and/or civil liability pursuant to Water Code sections 13268 and/or 13350. The Central Valley Water Board reserves the right to take any enforcement actions authorized by law.

15. **Additional Monitoring and Reporting:** In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirements of state law.
16. **Construction General Permit:** This Order does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2022-0057-DWQ, as amended.
17. **Endangered Species Act:** This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
18. **Public Notice:** This Order was publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5.
20. **Public Hearing:** At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.
21. **Petitions for Reconsideration:** Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

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



## REQUIREMENTS

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

### A. Scope

Impacts to waters of the state shall not exceed quantities shown in Tables 1 through 2.

### B. Reporting and Notification Requirements

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

### 3. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the **1st day of each month** beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the **1st day of January beginning one year after the effective date of the Order**. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

### 4. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID#) issued under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).

- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

## 5. Conditional Notifications and Reports

### a. Accidental Discharges of Hazardous Materials<sup>2</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

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<sup>2</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.)

- 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](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. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions:**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
  - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Project Modifications:** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the Project Deviation section of this Order.
- e. Transfer of Property Ownership and Long-Term Best Management Practices (BMPs) Maintenance:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must

sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

- ii. If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility. Until such time as this Order has been modified to name the transferee as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

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

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

- a. If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
- b. The Permittee shall perform surface water sampling:
  - i. when performing any in-water work;
  - ii. during the entire duration of temporary surface water diversions;
  - iii. in the event that the Project activities result in any materials reaching surface waters; or
  - iv. when any activities result in the creation of a visible plume in surface waters.
- c. Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters.

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

#### **3. In-Water Work or Diversions:**

- a. During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality objectives:
- i. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - ii. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
  - iii. Activities shall not cause turbidity increases in surface water to exceed the following:
    - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
    - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
    - (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

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

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<sup>3</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter.

In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in Section C.3.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks on initiation of in-water construction, and every two weeks thereafter.

**Table 3: Sample Type and Frequency Requirements**

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

- 4. Post-Construction:** The Permittee is required to visually inspect the Project site during the rainy season for one year following completion of active Project construction activities 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

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

2050-2068, inclusive. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)

2. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
3. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plan of the Central Valley Water Board or any State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. **Mitigation Monitoring and Reporting Program (MMRP):** The Permittee shall adhere to all requirements in the Mitigation Monitoring and Reporting Program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

#### **E. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
  2. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
    - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
    - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
    - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
    - d. Sample or monitor for the purposes of assuring Order compliance.
  3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
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4. **Lake or Streambed Alteration Agreement:** If applicable, the Permittee shall submit a signed copy of the California Department of Fish and Wildlife's (CDFW) Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

## F. Construction

### 1. Dewatering:

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

### 2. Directional Drilling – Not Applicable

### 3. Dredging – Not Applicable

4. **Dust Abatement:** Dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

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

- a. **Spill Prevention, Containment, and Cleanup Plan:** The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment, and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and



staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.

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

#### **6. Toxic and Hazardous Materials:**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in Sections B.5.a and B.5.b.
- b. Wet concrete will be placed into stream channel habitat after the area has been completely dewatered.
- c. Concrete must be completely cured before coming into contact with waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete waste.

- 7. Invasive Species and Soil Borne Pathogens:** Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

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

**9. Roads:**

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

**10. Sediment Control:**

- a. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- b. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

**11. Stabilization/Erosion Control:**

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

**12. Storm Water:** During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include an effective combination of erosion and sediment control BMPs that are implemented and adequately working prior to the rainy season and during all phases of construction.

**G. Site Specific – Not Applicable**

**H. Total Maximum Daily Load (TMDL) – Not Applicable**

**I. Mitigation for Temporary Impacts:**

- iv. The Permittee shall restore all areas of temporary impacts to waters of the state in accordance with the Supplemental Information for Report of Waste Discharge Notice of Intent dated 15 June 2023 and incorporated herein by reference.
- 2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
- 3. If restoration of temporary impacts to waters of the state is not completed within ninety (90) days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.
- 4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee Responsible	Acres			0.85			

**J. Compensatory Mitigation for Permanent Impacts:**

- 1. **Final Compensatory Mitigation Plan:** The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Supplemental Information for Report of Waste Discharge Notice of Intent (Compensatory Mitigation Plan) dated 15 June 2023 and incorporated herein by reference.
- 2. **Financial Security**
  - a. The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee’s required compensatory mitigation under this Order within ninety

- (90) days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.
- b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within ninety (90) days of issuance of this Order.
  - c. The Permittee shall finalize and execute the security instrument within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.
  - d. If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to Central Valley Water Board staff acceptance following the same procedure described in the conditions above.

### **3. Permittee-Responsible Compensatory Mitigation Responsibility**

- a. Permittee responsible compensatory mitigation installation shall be completed within 4 years of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
  - i. Performance standards are met.
  - ii. A Transfer Agreement to a third party, demonstrating the transferee's acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions, has been submitted to the Central Valley Water Board."
  - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
  - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Central Valley Water Board staff.

### **4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation – Not Applicable**

### **5. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to stream channel by removing the existing dam and restoring 0.22 acre of the area. Additionally, 0.04 acre of riprap will be preserved for giant garter snake habitat.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee-Responsible	Acres			0.22			
Stream Channel	Permittee-Responsible	Acres					0.04	

**K. Project Deviation**

- 1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Project Deviations as set forth in Attachment F. For purposes of this Order, a “Project Deviation” is a Project locational or impact modification that does not require an amendment of the Order because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order requirements and the CEQA Findings.
- 2. A Project modification shall not be granted a Project Deviation if it warrants or necessitates changes that are not addressed by this Order or the CEQA environmental document. In this case a supplemental environmental review and/or revised Order will be required.

### CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of Waste Discharge Requirements Order R5-202X-XXXX adopted by the Central Valley Water Board on XX December 2023.

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PATRICK PULUPA  
Executive Officer  
Central Valley Regional Water Quality Control Board

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

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Figure 1: Project Site Regional Location

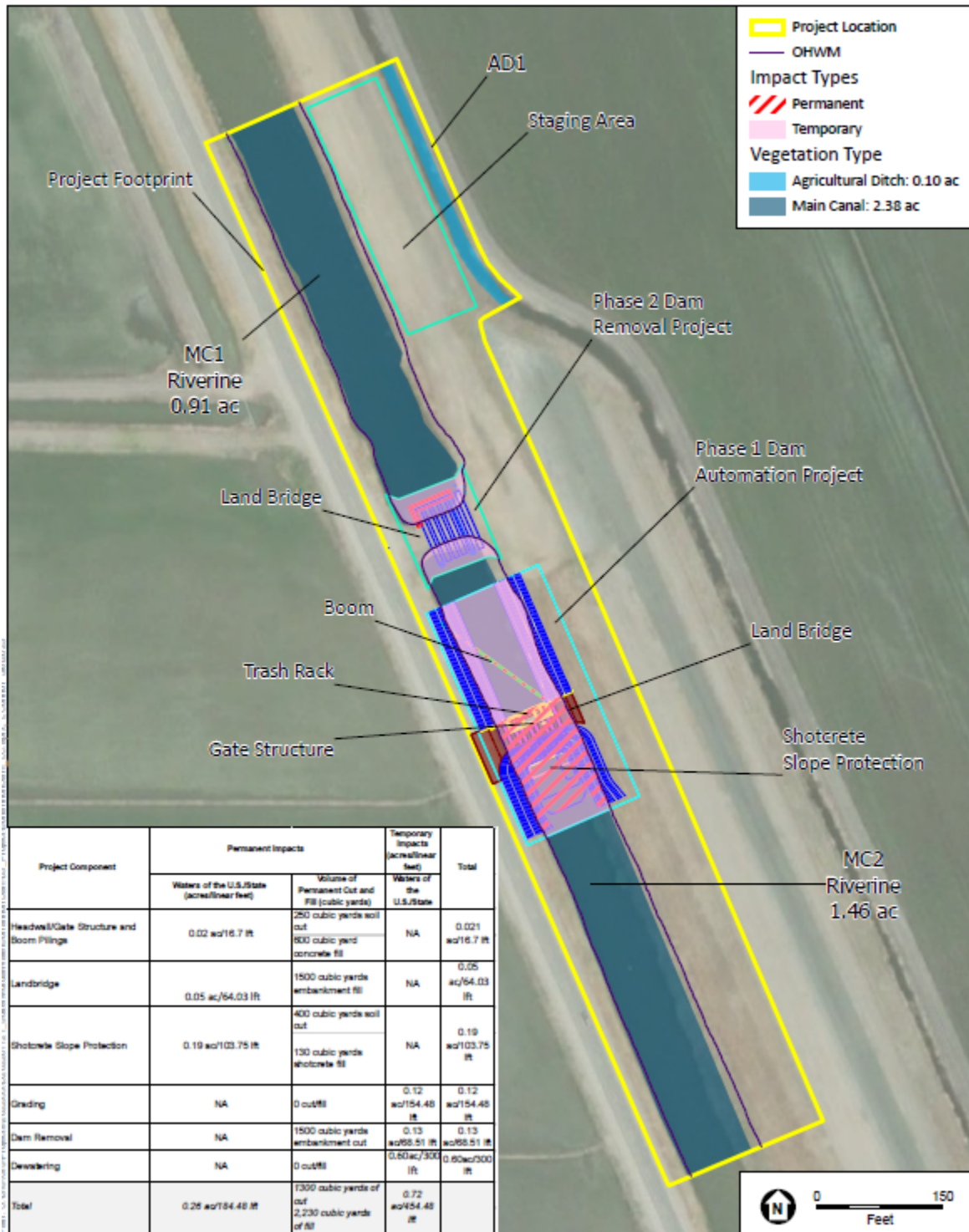




Figure 2: Project Location



Figure 3: Project Impacts



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**Receiving Waters, Impacts and Mitigation Information**

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

**Table 1: Receiving Water(s) Information**

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Yes	Project Location	Sutter Main Canal	Stream Channel	520.10	Sacramento Slough / East Canal	AGR, REC-1, WARM, MIGR, SPWN, WILD	Mercury, Dissolved Oxygen, Toxicity	N/A

**Individual Direct Impact Locations**

The following tables show individual impacts.

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Project Location	38.886658	-121.715969	No	0.85		

**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Project Location	38.886658	-121.715969	No	0.26		

**Compensatory Mitigation Information**

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

**Permittee Responsible Compensatory Mitigation Site Information**

**Table 4: Onsite Permittee Responsible Compensatory Mitigation Site Information**

Impact Site ID	Latitude	Longitude	Aquatic Resource Type	Acres	Linear Feet
Project Location	38.886658	-121.715969	Stream Channel	0.26	

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## **A. Environmental Review**

On 25 July 2023, the Reclamation District No. 1500, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2023050632) for the Project and filed a Notice of Determination (NOD) at the SCH on 28 July 2023. 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 Reclamation District No. 1500's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Reclamation District No. 1500 addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the Reclamation District No. 1500 for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

## **B. Incorporation by Reference**

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: 15094 Cranmore Road, Robbins, CA 95676.

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

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

## **C. Findings**

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

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

### a.i. Potential Significant Impact:

- BIO-1: Worker Environmental Awareness Protections Training

- BIO-2: Special-Status Wildlife Species Surveys
- BIO-3: Special-Status Wildlife Species Avoidance and Minimization
- BIO-4: Giant Garter Snake Avoidance and Minimization
- BIO-5: Western Pond Turtle Avoidance and Minimization
- BIO-6: Nesting Birds Avoidance and Minimization
- BIO-7: Staging Areas and Access Routes
- GEO-1: Erosion and Sedimentation Prevention Procedures

a.ii. Facts in Support of Finding:

- Mitigation Measure BIO-1: A qualified biologist will conduct a pre-construction Worker Environmental Awareness Protections Training (WEAP) for both construction and demolition projects and operations and maintenance activities. WEAP trainings are project-specific and cover potential environmental concerns or considerations, including, but not limited to, awareness of biological resources, special-status species near project sites, jurisdictional waters, cultural resources, environmentally sensitive areas, and/or avoidance areas.
- Mitigation Measure BIO-2: Prior to the start of construction, a qualified biologist shall conduct general pre-construction wildlife surveys as well as measures described in BIO-6–8. Preconstruction surveys for special-status species with moderate to high potential to occur shall be conducted where suitable habitat is present not more than 72 hours prior to the start of construction activities or maintenance activities that require vegetation removal during the nesting or giant garter snake active season. The preconstruction survey area shall include the Proposed Project area and all ingress/egress routes, plus a 200-foot buffer. If the results of the site-specific pre-activity surveys determine a candidate, sensitive, or special-status species identified in local or regional plans, policies, or regulations is present within a 200-foot buffer of the Project area, implementation of appropriate avoidance measures shall be required in accordance with Mitigation Measure BIO-3.
- Mitigation Measure BIO-3: If the results of the pre-activity surveys conducted pursuant to Mitigation Measure BIO-2 determine a candidate, sensitive, or special-status species identified in local or regional plans, policies, or regulations is present within a 200-foot buffer of the Proposed Project area, the Permittee shall develop and implement appropriate avoidance measures listed below and in BIO 4-6. Avoidance measures may include but are not limited to:



- Installation of Environmentally Sensitive Area/avoidance fencing.
- Flagging or fencing of any special-status species burrows by a monitoring biologist to ensure avoidance during reclamation activities.
- Monitoring by a monitoring biologist during all initial ground disturbing activities. Once initial ground disturbing activities have been completed, the biologist shall conduct daily pre-activity clearance surveys, as necessary.
- If at any time during Project construction or maintenance activities, a special-status species enters the Project area or otherwise may be impacted by the Project, all activities at the area where the find occurred shall cease. At that point, a monitoring biologist shall be consulted and recommend an appropriate course of action.
- Mitigation Measure BIO-4:
  - Confine movement of heavy equipment to existing roadways to minimize habitat disturbance. Maintain a speed limit of 10 mph on all roadways within the construction area.
  - Check under all equipment and materials prior to moving them. When feasible, do not store construction materials or stockpiles within 200 feet of giant garter snake habitat. If materials need to be stored within 200 feet of giant garter snake habitat exclusion fencing shall be installed to prevent snakes from accessing the stockpiled materials.
  - All construction activities that occur within 200 feet of giant garter snake habitat shall occur between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger.
  - The Permittee shall dewater construction areas potentially providing aquatic habitat for giant garter snakes to the extent feasible. Any dewatered aquatic habitat shall remain absent of aquatic prey for at least 5 consecutive days before conducting construction activities. If 5 consecutive days is not feasible then the Permittee shall consult with the United States Fish and Wildlife Service (USFWS) and CDFW to apply appropriate measures. If dewatering cannot remove all water, potential giant garter snake prey (i.e., fish and tadpoles) would be removed so that giant garter snakes and other wildlife are not attracted to the construction area.

- Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the Proposed Project area as Environmentally Sensitive Areas where feasible.
- Construction personnel shall receive worker environmental awareness training. This training shall instruct workers to recognize giant garter snakes and their habitat(s) (see BIO-1).
- 24-hours prior to construction activities, the Proposed Project area shall be surveyed for giant garter snakes. Survey of the Proposed Project area shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred.
- If a giant garter snake is observed in the construction area, work will stop in the vicinity of the snake and allow the snake to leave on its own. Alternatively, individuals who can handle and relocate giant garter snake—i.e., individuals who possess appropriate federal and California permits for these activities—may capture and relocate the snake. USFWS and CDFW will be notified by telephone or email within 24 hours of a giant garter snake observation in the construction area. If the snake does not voluntarily leave the construction area and cannot be effectively captured and relocated unharmed (e.g., if the snake retreats into an underground burrow or below the water surface), activities in the immediate vicinity of the snake will stop as needed to prevent harm to the snake and USFWS and CDFW will be consulted. After completion of construction activities, all temporary construction debris and materials shall be removed, and habitat would be restored to pre-Project conditions.
- To prevent giant garter snakes from becoming entangled, trapped, or injured, erosion control materials that use plastic or synthetic monofilament netting will not be used in the Project area. Acceptable materials include natural fibers such as jute, coconut, twine, or other similar fibers.
- Mitigation Measure BIO-5: The Permittee shall implement the following measures to avoid and minimize effects on western pond turtle:
  - A qualified biologist shall conduct a pre-construction survey within 7 days before the start of Project activities. If no western pond turtles are observed, the Permittee would document that information for the file, and no additional measures shall be required, except as described below for dewatering activities.
  - Should any western pond turtles be detected on land during the pre-construction survey, the qualified biologist would identify the

location using GPS coordinates. The qualified biologist may relocate any western pond turtles found on land or in aquatic habitat within the construction footprint to suitable aquatic habitat at least 200 feet away from the construction footprint.

- If western pond turtles are observed on land within the construction footprint during construction activities, the Permittee would stop work within approximately 200 feet of the turtle, and a qualified biologist would be notified immediately. If possible, the turtle would be allowed to leave on its own and the qualified biologist would remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. Alternatively, the qualified biologist may capture and relocate the turtle unharmed to suitable habitat at least 200 feet outside the construction footprint. If a western pond turtle nest is unintentionally uncovered during construction activities, work would stop in the vicinity of the nest until a qualified biologist could evaluate the situation and notify the appropriate agencies.
- Mitigation Measure BIO-6: To avoid and minimize effects on nesting birds and achieve compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513, the Permittee shall implement the following measures:
  - If construction occurs during the nesting season, typically February 1 to September 15 a qualified biologist shall inform all construction personnel about the life history of Swainson's hawk, tricolored blackbird, bank swallow, and other relevant species, as well as the importance of nest sites and foraging habitat.
  - Where feasible, construction and maintenance activities that have the potential to affect special-status nesting birds and common nesting birds shall occur at times of the year when adverse effects on those species would be avoided. If activities are conducted outside the nesting seasons no additional measures are required to mitigate adverse effects on nesting birds.
  - If construction is scheduled to occur during the nesting season, a breeding season survey for nesting birds shall be conducted by a qualified biologist for all habitat within 200 feet of construction activities. One Swainson's hawk survey shall be completed in an area with a radius of 0.5 miles from construction activities for Swainson's hawk nests.
  - If nesting birds have been identified within or adjacent to the construction footprint, the Permittee would establish appropriate

avoidance buffers (50 feet for passerines and 300 feet for raptors except Swainson's hawk). Reduced buffers may be implemented if recommended by the monitoring biologist. Buffers would be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. The specific buffer distance for Swainson's hawk is 0.25 miles. Reduced buffers for Swainson's hawk may be implemented if recommended by the monitoring biologist, due to the nature of the activity.

- Mitigation Measure BIO-7: When working on habitats that support state and/or federally listed species, disturbance to existing grades and vegetation will be limited to the actual site of the Proposed Project and necessary access routes. Placement of all roads, staging areas, and other facilities will avoid and limit disturbance-sensitive habitats (e.g., wetland habitat, suitable habitats) as much as possible. All staging and material storage areas, including the locations where equipment and vehicles are parked overnight, will be placed outside of the flood zone of a watercourse, away from wetland habitat, and away from any other sensitive habitats. When possible, staging and access areas will be situated in areas that are previously disturbed, such as developed areas, paved areas, parking lots, areas with bare ground or gravel, and areas clear of vegetation.
- Mitigation Measure GEO-1: The Permittee shall prepare an Erosion Control Plan. The Erosion Control Plan will detail the erosion and sedimentation prevention measures to be implemented. As part of this plan, the Subrecipient will ensure that sediment-control devices are installed and maintained correctly. For example, sediment will be removed from engineering controls once the sediment has reached one-third of the exposed height of the control. The devices will be inspected frequently (i.e., daily or weekly, as necessary) to ensure that they are functioning properly; controls will be immediately repaired or replaced, or additional controls will be installed as necessary. Sediment that is captured in these controls may be disposed of on site in an appropriate, safe, approved area; or off site at an approved disposal site. Areas of soil disturbance, including temporarily disturbed areas, will be seeded with a regionally appropriate erosion control seed mixture. On soil slopes with an angle greater than 30 percent, erosion control blankets will be installed or a suitable and approved binding agent will be applied. Runoff will be diverted away from steep or denuded slopes. Where habitat for federally listed species is identified in, or adjacent to, the project footprint, all disturbed soils at the site will undergo erosion control treatment before the rainy season starts and

after construction is terminated. Treatment may include temporary seeding and sterile straw mulch.

**D. Determination**

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts. (California Code of Regulations, title 14, section 15096, subd (h).)

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## **REPORTS AND NOTIFICATION REQUIREMENTS**

### **I. Copies of this form**

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

- A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)  
([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wqcerts/](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/))
- B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

### **II. Report Submittal Instructions**

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
  - **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Jenna.Yang@waterboards.ca.gov](mailto:Jenna.Yang@waterboards.ca.gov)
  - Include in the subject line of the email:  
ATTN: Jenna Yang; Project Name; and WDID No. 5A51CR00138

### 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: XX December 2023**

### IV. Map/Photo Documentation Information

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

**A. Map Format Information:**

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

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.



- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
  - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS Digital Raster Graphics (DRG) or Digital Orthophoto Quarter Quads (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 **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:** Bohannon Dam Automation Project  
**Permittee:** Sutter Mutual Water Company  
**WDID:** 5A51CR00138  
**Order Number:** R5-2023-XXXX  
**Reg. Meas. ID:** 453888  
**Place ID:** 889839  
**Order Effective Date:** XX December 2023  
**Order Expiration Date:** XX December 2028

**VI. Report Type Submitted**

**A. Part A – Project Reporting**

Report Type 1  Monthly Report  
Report Type 2  Annual Report

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

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

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

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

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

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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 until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** -
  - i. Construction Summary

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

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.
  - iii. Photo Summary

Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
  - iv. Compliance Summary
    - List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
    - List associated monitoring reports for the reporting period.
    - Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
    - Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

## 2. Report Type 2 - Annual Report

- a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of January beginning one year following the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. **Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

### During the Active Discharge Period

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

### During the Post-Discharge Monitoring Period

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

- i. Annual Report Topic 1 - Construction Summary

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

**Report Contents** - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.

- 1) Map showing general Project progress.
- 2) If applicable:
  - a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).
  - b) Summary of Project Deviations. See Project Deviation Attachment for further information.

- ii. Annual Report Topic 2 - Mitigation for Temporary Impacts Status

**When to Submit** - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

**Report Contents -**

- 1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
- 2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
- iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status

**When to Submit** - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

**Report Contents - \*If not applicable report N/A.**

**1) Part A. Permittee Responsible**

- a) Planned date of initiation of compensatory mitigation site installation.
- b) If installation is in progress, a map of what has been completed to date.
- c) If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

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

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

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

**1. Report Type 3 - Commencement of Construction**

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

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

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

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

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

- a. Report Purpose** - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
- c. Report Contents** -
  - i. Part A: Mitigation for Temporary Impacts
    - 1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
    - 2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

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

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

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

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

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

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



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

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
- b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in Section C.3.
- c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in Section C.3.

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

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

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

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

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

**c. Report Contents** -

- i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
  - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
  - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
- ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

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

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

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

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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 the 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 K 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 verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.).
-

**D. Post-Discharge Project Deviation Reporting:**

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

**E. Annual Summary Deviation Report:**

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