Central Valley Regional Water Quality Control Board

TENTATIVE WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2022-XXXX

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Place ID:	869871
WDID No.:	WDID#5B39CR00357
USACE No.:	SPK-2020-00825 NWP #3

Effective Date: XX February 2022

Expiration Date: XX February 2027

Program Type: Fill/Excavation

Project Type: Commercial

Project: Denmar Natural Soda Ash Export Terminal Project (Project)

Applicant: Port of Stockton

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I. Order

This Order for Waste Discharge Requirements (Order) is issued at the request of Port of Stockton (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 7 May 2021. The application was deemed complete on 2 June 2021.

II. Public Notice

The State Water Board provided public notice of the draft order pursuant to Water Code section 13167.5 from 11 August 2021 to 10 September 2021.

At a public meeting held on XX/XX February 2022, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

III. Project Purpose

The Project will remediate soil to address historically contaminated areas within the Project site. Several wetland areas are in and near contaminated areas that will require remediation of hazardous substances in soils through excavation or capping.

IV. Project Description

The 101-acre Project involves soil remediation to address historical contamination and development of a soda ash export terminal.

V. Project Location

County: San Joaquin

Sections 1, 6, 7 & 12, Township 1 North, Range 5 & 6 East, MDB&M.

Latitude: 37.957639° N and Longitude: 121.364972° W

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the State

The Project is located at the Port of Stockton near the intersection of Harbor Street and Port Road 1. Remediation to address soils contaminated with hazardous substances will include excavation or capping within wetland areas. Additional construction activities resulting in wetland impacts include excavation and site preparation, installation of rail infrastructure, and other building, tower, and conveyor system improvements shown in Figure 2 in Attachment A.

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

Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.64	1,273	
Wetland	20.69	66,466	

VIII. Avoidance and Minimization

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

- Appropriate erosion control measures will be implemented prior to clearing, grading, or excavation activities to minimize erosion of sediments due to rainfall runoff at construction sites, and to reduce, eliminate, and prevent the pollution of stormwater during construction.
- Filter fabric fences will be installed around disturbed areas.
- Silt traps will be installed in storm drain inlets.
- Gravel construction entrances will be installed, appropriate means to minimize tracking sediment onto public roadways by construction vehicles will be used, and regular street cleaning will be conducted for mud and dust control.
- Staging and temporary stockpiling of materials will be prohibited within waters of the state. All staging areas will be delineated on plans. Temporary soil stockpiles and exposed soils will be stabilized. Stockpiles that are to remain

on site through the wet season (October 15 to April 15) will be covered or otherwise protected to prevent erosion. Permanent stabilization of disturbed areas will occur after construction is completed. Temporarily disturbed areas will be restored by establishing grass or other vegetative cover on the construction site as soon as possible after disturbance. At a minimum, vegetative application will be done by September 15 to allow for plant establishment. No disturbed surfaces will be left without erosion control measures in place during the wet season.

- A soil management plan will be developed specific to areas adjacent to dig restriction zones.
- A Spill Prevention Control and Countermeasures Plan (SPCCP) to manage toxic materials associated with construction activities will be developed, implemented, and maintained. The SPCCP will outline best management practices (BMPs), responsive actions in the event of a spill or release, and notification and reporting procedures. The plan also will outline management elements such as personnel responsibilities, project site security, site inspections, and training.
- A communication protocol for handling spills would be established. Applicable spill response equipment and material designated in the SPCCP will be maintained at the job site.
- Construction equipment and vehicles would be refueled away from surface waters whenever practical.
- Equipment and vehicle wash water associated with construction will be contained and prevented from draining to surface waters.
- Groundwater extracted during construction will be containerized and analyzed for contaminants. Based on the results, the groundwater would be disposed of by discharging to the surface to infiltrate, conveyed to the stormwater system or City of Stockton’s sanitary system, or disposed of at an approved off-site facility.
- Fuels and other potential contaminants will be stored away from excavation sites and surface waters in secured containment areas. No oil, fuels, or chemicals will be discharged to surface waters, or onto land where there is a potential for entry into surface waters.
- Regular inspections, maintenance, and repairs of fuel hoses, hydraulically operated equipment, lubrication equipment, and chemical/petroleum storage containers will be conducted.

IX. Compensatory Mitigation

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

X. California Environmental Quality Act (CEQA)

On 3 May 2021, the Port of Stockton, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2002032048) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 May 2021. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XI. Fees Received

An application fee of $1,949.00 was received on 9 October 2020. The fee amount was determined as required by California Code of Regulations, Title 23, section and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84) with the dredge and fill fee calculator. An additional fee of $167,150.00 based on total Project impacts was received on 1 July 2021.

XII. Requirements

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

A. Authorization

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

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. The monitoring and technical reporting sections in this Order are adopted pursuant to Water Code section 13267, subdivision (b)(1) and 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.

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

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

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

1. **Project Reporting**
   a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
   b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of November. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
2. **Project Status Notifications**
   a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and include the corresponding Waste Discharge Identification Number (WDID#) issued under this Order. Additionally, if applicable, the Report shall also include the Enrollee number issued for coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
   b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
   c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

3. **Conditional Notifications and Reports:**

The following notifications and reports are required as appropriate.

a. **Accidental Discharges of Hazardous Materials**[1]

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES, procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification Web page (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)

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.

[1] "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.)

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

c. In-Water Work and Diversions:

i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Modifications to Project

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

e. Transfer of Property Ownership:

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

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

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

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

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

a. when performing any in-water work;

b. during the entire duration of temporary surface water diversions;

c. in the event that the Project activities result in any materials reaching surface waters; or

d. when any activities result in the creation of a visible plume in surface waters.

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions:

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

a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

c. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.

d. Activities shall not cause turbidity increases in surface water to exceed:

i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;

v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

For Delta waters, the general objectives for turbidity apply subject to the following: except for periods of storm runoff, the turbidity of Delta waters shall not exceed 50 NTUs in the waters of the Central Delta and 150 NTUs in other Delta waters.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.[2] The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

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

[2] 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.

requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

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

Table 2: 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[3]	Observations	Visual Inspections	Continuous throughout the construction period

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, Title 23, Chapter 6 commencing with sections 2050-2068, inclusive. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)
2. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations and owed by the Permittee.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13268 and/or 13350.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

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

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

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

5. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

6. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.

2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

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

G. Construction

1. Dewatering

- **a.** 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 XIV.C.3.
- **b.** 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. No dewatering will occur within the Project area.

e. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

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

4. Good Site Management "Housekeeping"

a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.

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

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

5. **Hazardous Materials**

   a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

   b. Wet concrete will be placed into wetland and stream channel habitat when the work area is naturally dry.

   c. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

6. **Invasive Species and Soil Borne**

   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.

7. **Roads**

   a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

   b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

   c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

   d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of

water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

8. Sediment Control

a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.

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

9. Special Status Species

a. Valley Elderberry Longhorn Beetle (VELB) has been known to occur in or near the Project area and may be impacted as a result of construction activities. If VELB are discovered within the Project area, the Applicant will follow the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.

10. 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.

11. Storm Water

a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Site Specific – Not Applicable

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

J. Compensatory Mitigation for Permanent Impacts

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

1. Compensatory Mitigation Plan

a. The Permittee has submitted an approved compensatory mitigation plan as part of a complete application.

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. A copy of the fully executed agreement for the purchase of 11.04 mitigation credits was provided to the Central Valley Water Board on 2 September 2021.

b. A copy of the fully executed agreement for the purchase of the remaining 10.29 mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in-water work.

c. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

3. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized impact to 21.33 acres of wetland and stream bed habitat by purchasing 21.33 mitigation credits from a United States Army Corps of Engineers approved mitigation bank.

b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Enhancement (Enh.), Establishment (Est.), Restoration (Res.), Unknown (Unk.)].

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

Aquatic Resource Type	Mitigation Type	Units	Ehn.	Est.	Res.	Unk.
Wetland	Mitigation Bank Credits	Acres		6.89		
Stream Channel	Mitigation Bank Credits	Acres	0.98		3.17	10.29

XIII. Petition 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).

CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX February 2022.

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

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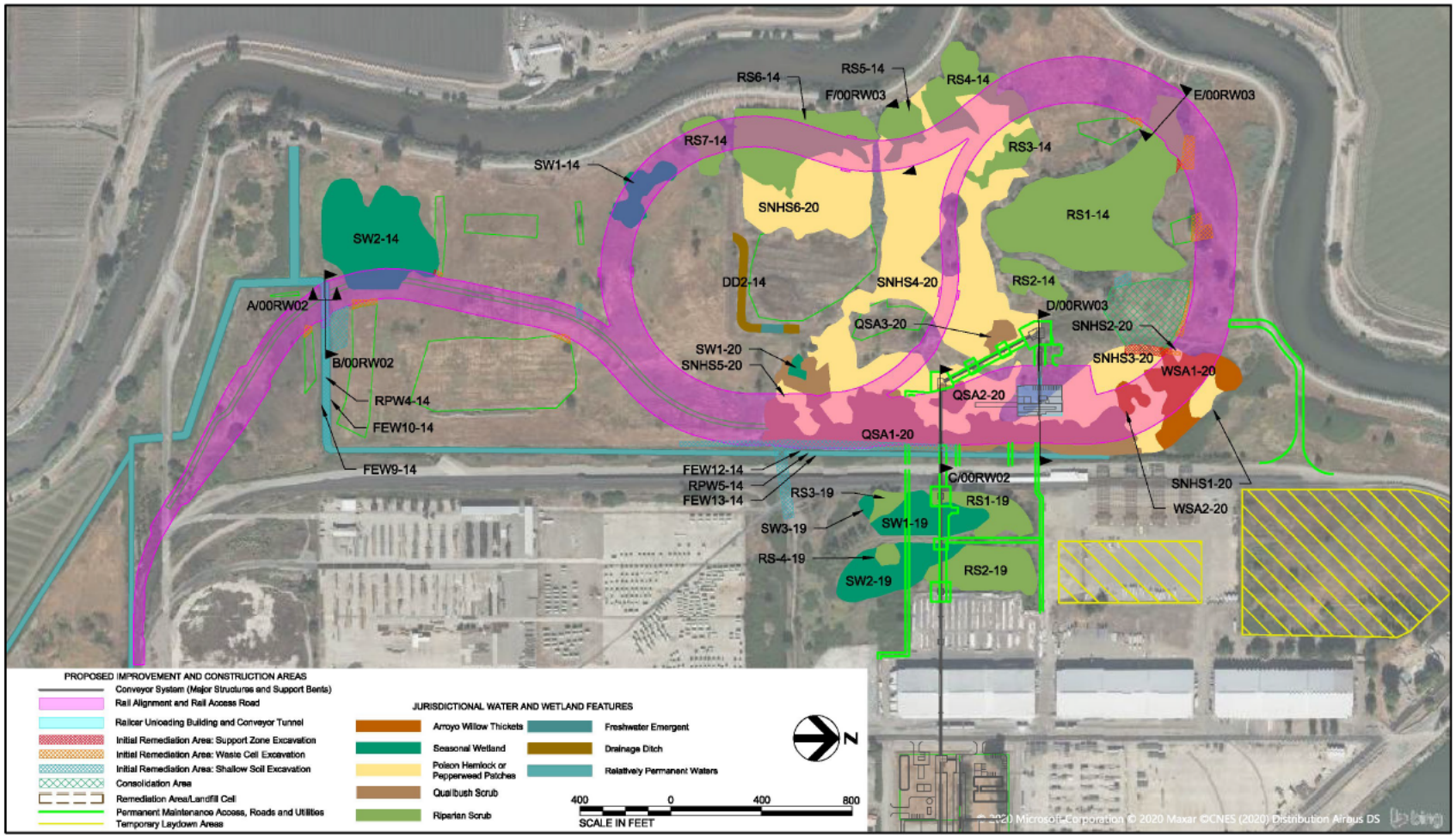
Figure 1
Project Area and Vicinity
Denmar Natural Soda Ash Export Terminal at the Port of Stockton



Source: HDR 2020

ANCHOR QEA

Figure 2
Resource Impact Areas
Denmar Natural Soda Ash Export Terminal at the Port of Stockton

Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method ID
Yes	FEW-14	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	QSA-20	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	RPW	stream channel	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	RS-14	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62

Non-Federal Waters	Impact Site ID	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method ID
Yes	RS-19	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	SNHS-20	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	SW-14	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	SW-19	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62
Yes	WSA-20	wetland	544.00	San Joaquin Delta	MUN, AGR, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, unknown toxicity	62

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards
FEW-14	37.956872	-121.372191	No	0.384	(274)
QSA-20	37.958530	-121.374843	No	5.681	27582
RPW	37.950821	-121.373884	No	0.640	1273
RS-14	37.956489	-121.377253	No	3.486	6089
RS-19	37.958598	-121.370702	No	0.299	839
SNHS-20	37.958530	-121.374843	No	7.792	(3323)
SW-14	37.951407	-121.375291	No	1.201	6983
SW-19	37.958598	-121.370702	No	0.451	85
WSA-20	37.961245	-121.373403	No	1.401	6368

Compensatory Mitigation Information

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

Mitigation Bank Compensatory Mitigation Site Information

Mitigation Bank Name:	Cosumnes Floodplain and Grasslands Mitigation Banks, and Dutchman Creek and Burke Ranch Conservation Banks
Website:	https://wesmitigation.com/cabanks/

Mitigation Bank Contact Name:	Travis Hemmen or Amanda Dwyer
Phone:	916-646-3644
Email:	themmen@westervelt.com or adwyer@westervelt.com

Mitigation Location - County:	San Joaquin, Merced, Solano
Latitude:	38.249676, 37.267557, 37.179360, and 38.304546
Longitude:	-121.421596, -120.791916, -120.397414, and -121.846043

Table 3: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Number of Credits Purchased
Seasonal Wetland (Grasslands)	4.40	4.400
Floodplain Mosaic Wetland (Cosumnes Floodplain)	2.4888	2.4888
Shaded Riverine Aquatic Enhanced (Cosumnes Floodplain)	0.98	0.98
Shaded Riverine Aquatic Restored (Cosumnes Floodplain)	3.17	3.17
Stream Channel (Dutchman Creek and Burke Ranch)	10.29	To be determined

A. Environmental Review

On 3 May 2021, the Port of Stockton, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2002032048 for the Project and filed a Notice of Determination (NOD) at the SCH on 5 May 2021. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Port of Stockton's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Port of Stockton addresses the Project's water quality impacts. (California Code of Regulations, Title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Port of Stockton for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, Title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Port of Stockton CEQA Document Webpage (https://www.portofstockton.com/wp-content/uploads/2021/05/Denmar_WCDPEIR_Addendum_Final_202104.pdf).

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

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

C. Findings

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

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

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

a.i. Potential Significant Impact:

1. Construction of the project facilities could result in increased erosion and sedimentation, with subsequent impacts to water quality and/or storm drain capacity during construction. Additionally, release of fuels or other hazardous materials associated with construction equipment could impact water quality.
2. Development of the project site could increase drainage flows as a result of the introduction of increased amounts of impervious surfaces, which could exceed the capacity of on-site drainage systems, create localized flooding, or contribute to a cumulative flooding impact downstream.
3. The Proposed Project could increase both non-storm and stormwater runoff, transporting contaminants to adjacent receiving waters.
4. The wastewater conveyance system on the project site is known to suffer from an inflow and infiltration problem. This could result in sewage leaks reaching groundwater and/or surface waters, potentially impairing beneficial uses and violating water quality standards.
5. The Proposed Project has the potential to increase the trade of bulk materials that may increase the likelihood of contaminated runoff during wet weather events. In addition, fuel spills, releases of hazardous materials, and other contaminant-laden runoff generated in the warehouse and dock area could result in impacts to water quality.
6. The Proposed Project will lead to increases in the frequency and number of ships traveling in the DWSC. Ship traffic has been shown to resuspend sediment in the water column, leading to decreases in water quality. Impacts to dissolved oxygen in the DWSC are of particular concern due to a pre-existing impairment for this constituent in this waterbody.
7. The wakes created by the additional ship traffic associated with the Proposed Project could lead to increased rates of bank erosion, with subsequent impacts to water quality.
8. Proposed Project is anticipated generate a domestic water demand impact of approximately 1633 AF/year. Because the water supplier, Cal Water, relies on groundwater to support demand, this water demand has potential to substantially deplete groundwater supplies in a basin that is already in overdraft.

a.ii. Facts in Support of Finding:

1. All construction plans and activities shall implement multiple BMPs to provide effective erosion and sediment control. These BMPs shall be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPs to be implemented as part of this mitigation measure shall include, but are not limited to, the following measures:

- Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) will be employed for disturbed areas.
- Protect the storm drain inlets on the site and in downstream off-site areas from sediment with the use of BMPs acceptable to the Port and City of Stockton.
- Sweep dirt and debris from paved streets in the construction zone on a regular basis, particularly before predicted rainfall events.
- Establish grass or other vegetative cover on the construction site as soon as possible after disturbance. At minimum, vegetative application shall be done by September 15th to allow for plant establishment. No disturbed surfaces will be left without erosion control measures in place during the period of October 15th to April 15th.

2. The Port shall prepare a master Drainage Plan for the Project Area. The Drainage Plan will incorporate measures to maintain runoff during peak conditions to preconstruction discharge levels. The Port will implement measures provided in the Drainage Plan. A detailed drainage report shall be prepared by a registered civil engineer prior to site development. The report shall include the following items:
   - An accurate calculation of pre-development runoff conditions and post-development runoff scenarios shall be conducted using appropriate engineering methods. This analysis will more accurately evaluate potential changes to runoff through specific design criteria. The model will account for increased surface runoff.
   - An assessment of existing drainage facilities within the Project Area, and an inventory of necessary upgrades, replacements, redesigns, and/or rehabilitation.
   - Design specifications for additional retention basins if needed to attenuate peak flows. Retention basins will be sized to result in no net increase in peak stormwater discharge from the site, taking into account the volume of permanent water held by the basin.
   - A description of the proposed maintenance program for the on-site drainage system.
   - Standards for drainage systems to be installed on a project-specific basis.
   - The drainage system shall be designed to meet standards in the Stockton Municipal Code and the City of Stockton Department of Public Works Standard Specifications (current edition).

The Drainage Plan shall include, and the Port shall implement, a schedule for identified drainage improvements. In addition, when approving specific developments that may result in increased drainage flows on the project site, the Port shall concurrently implement any necessary drainage improvements such that new development does not exceed the capacity of on-site drainage systems and peak stormwater discharge rates are maintained to pre-project levels. The Port, at its discretion, may require such project-specific drainage improvements to be funded and implemented by the developer (i.e., tenant, developer, and/or contractor).

The Drainage Plan will include BMPs to maximize stormwater quality. The Drainage Plan will include both BMPs that will address the project site as a whole, as well as guidance for BMPs to be implemented for specific projects on a project-by-project basis. These BMPs shall be selected to achieve maximum contaminant removal and represent the best available technology that is economically achievable. The BMPs will include a combination of source control, structural improvements, and treatment systems and will be implemented so as to ensure, at minimum no net increase in contaminant releases in comparison with pre-project conditions.

3. To minimize the amount of pollutants entering the storm drain system, project roadways and parking areas will be cleaned regularly using street sweeping equipment. Additionally, litter and debris that may accumulate on the project site will be regularly collected and properly disposed. These activities shall be the responsibility of the Port.
4. Prior to major project-specific development, the Port shall perform an assessment of the wastewater conveyance system. This may be performed as part of a Master Plan for development of the Project Area.
5. As part of the wharf upgrades, the Port shall install storm drainage facilities that redirect all stormwater runoff from this area into the Project Area's storm drainage system.

   All stockpiles of bulk materials with potential to adversely impact water quality shall be covered or contained during the rainy season (October 15th – April 15th).

   The Port shall ensure the immediate clean-up of any on-site fuel spills or releases of hazardous materials.

6. The Port shall take ownership and operational responsibility of the aeration device currently owned and operated by the USACE. The jet aerator was originally installed to mitigate for deepening of the DWSC. The aeration facility was constructed in 1993 and has been operated as conditions have warranted since then. The USACE agreed to provide aeration that would attempt to maintain a 0.2 mg/l DO increment above background conditions, whenever background conditions at any station measured by the City of Stockton dropped below 5.2 mg/L during September 1 through November 30.
7. Any new Port structural development shall allow Reclamation District 403-approved 20-foot setback from existing levees to permit continued levee maintenance and improvements as necessary for protection from major floods. The Port shall conduct regular levee maintenance to FEMA standards that are adequate to protect people and property from the 100-year flood event.
8. The Port shall apply for a Department of the Army permit for all impacts to "waters of the U.S.," and shall comply with all conditions of permits received. Permanent impacts to waters of the U.S. covered under this permit will be mitigated at a minimum 0.5:1 ratio through the purchase of mitigation credits at an approved mitigation bank, or through other habitat restoration or compensation measures proposed by the Port and approved by the USACE, RWQCB, and CDFW.

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

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

<u>a.i. Potential Significant Impact:</u>

1. Construction activities in the Project Area could potentially result in direct and indirect impacts to waters of the state, including wetlands.
2. Construction activities and project operations in the Project Area could result in adverse impacts to special-status species.
3. Future development activities resulting from the Proposed Project may result in the alteration of, or disturbance to sensitive natural communities within the Sacramento San Joaquin Delta associated with an increased release of non-native aquatic organisms from ships.

a.ii. Facts in Support of Finding:

1. Staging areas for construction activities in the Project Area shall be located in developed areas or disturbed habitat; staging areas will be prohibited within waters of the state. All staging areas shall be delineated on detailed plans and reviewed by a qualified biologist. Temporary stockpiling of excavated or imported material shall occur only in these approved construction staging areas. Excess excavated soil shall be disposed of at a regional landfill or at another approved and/or properly permitted location. Stockpiles that are to remain on the site through the wet season shall be covered or otherwise protected to prevent erosion.
2. The Port shall require the use of silt fences and/or straw bales and any other standard and appropriate BMPs by construction contractors in an effort to prevent accidental fill of waters of the state because of construction activities.

   Standard precautions will be employed by construction contractors to prevent the accidental release of fuels or other hazardous materials associated with construction equipment.
3. The proponents of future development activities resulting from the Proposed Project, including an increase in maritime traffic in the DWSC, shall comply with the terms of the SJMSCP.

   Upon determination of final project configuration and before any construction activities, a qualified biologist shall delineate all SJMSCP-listed special-status species habitat occurring within the vicinity of proposed project sites and DWSC. If it is determined that any special-status species may be affected by proposed construction activities or increased maritime traffic in the DWSC, the proponents of future development activities resulting from the Proposed Project shall implement pertinent avoidance and mitigation measures subject to review and approval by the appropriate regulatory agencies.

   Upon determination of final project configuration and before any construction activities, a qualified biologist shall evaluate proposed construction areas (including rights-of-way and staging areas) for round-leaved filaree and soft bird's beak habitat. If suitable habitat occurs within proposed construction areas, surveys for these species shall be conducted by a qualified biologist during the appropriate time of year to identify each species (March through May for round-leaved filaree and July to November for soft bird's beak). If either species is detected within construction areas, the project shall buffer with orange fencing and avoid all identified specimens and notify the appropriate regulatory agency. If sensitive plants cannot be avoided by the project, additional measures will be developed in consultation with the appropriate regulatory agencies

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the requirements in this Order, will not result in any significant adverse water quality or supply impacts. (California Code of Regulations, Title 14, section 15096, subd. (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, Title 14, section 15096, subd. (i).)

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/)

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 & Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
- **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
- **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

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

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.White@waterboards.ca.gov
- Include in the subject line of the email:
  ATTN: Nicholas White; Project Name; and WDID No.5B39CR00357

III. Definition of Reporting Terms

A. <u>Active Discharge Period:</u> The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.

B. <u>Request for Notice of Completion of Discharges Letter:</u> This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

C. <u>Request for Notice of Project Complete Letter:</u> 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. <u>Post-Discharge Monitoring Period:</u> 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. <u>Effective Date:</u> XX February 2022

IV. Map/Photo Documentation Information

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

A. <u>Map Format Information:</u>

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

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

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. <u>Photo-Documentation:</u> 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:	Denmar Natural Soda Ash Export Terminal Project
Permittee:	Port of Stockton
WDID:	5B39CR00357
Reg. Meas. ID:	440964
Place ID:	869871
Order Effective Date:	XX February 2022
Order Expiration Date:	XX February 2027

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report
Report Type 2 ☐ Annual Report

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

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

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

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

Permittee's Signature	**Date**

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

a. **Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.

b. **When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

c. **Report Contents** -

i. Construction Summary

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

ii. Event Summary

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

iii. Photo Summary

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

iv. Compliance Summary

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

2. **Report Type 2 - Annual Report**

   a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.

   b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of November. 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.

      <u>During the Active Discharge Period</u>

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

      <u>During the Post-Discharge Monitoring Period</u>

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

      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).

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. <u>Part B – Project Status Notifications</u>

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. 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 and Monitoring

1) Date of storm water Notice of Termination(s), if applicable.

2) Report status and functionality of all post-construction BMPs.

3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. <u>Part C – Conditional Notifications and Reports</u>

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

a. Report Purpose - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.

b. When to Submit - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

c. Report Contents -

i. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.

ii. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.

iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

2. **Report Type 7 - Violation of Compliance with Water Quality Standards Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
   b. **When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
   c. **Report** Contents - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

3. **Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
   b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
   c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

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

5. **Report Type 10 - Transfer of Property Ownership Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
   b. **When to Submit** - At least 10 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 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.

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."