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## Colorado River Basin Regional Water Quality Control Board

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### CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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**Effective Date:** September 11, 2020

**Program Type:** Fill/Excavation

**Project Type:** Industrial

**Project:** Banning Distribution Center  
Regulatory Measure ID: 435424  
WDID: 7A333213001  
SWRCB ID: 862735  
U.S. Army Corps of Engineers File Number: 39, SPL-2019-00844

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Banning Distribution Center

WDID: 7A333213001  
Reg. Meas. ID: 435424  
Place ID: 862735

**Colorado River Basin Water Board Contact Person:**

If you have any questions, please call the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) staff contact listed above or (760) 346-7491 and ask to speak with the 401 Water Quality Certification Program Manager.

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**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Banning Industrial, LP (Permittee) for the Banning Distribution Center Project (Project). This Order is for the purpose described in the application submitted by the Permittee. The application was received on November 14, 2019. The application was deemed complete on May 20, 2020.

**II. Public Notice**

The Colorado River Basin Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from November 21, 2019 to January 3, 2020. The Colorado River Basin Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The Project is to construct a warehouse building with an extension of John Street, creating a gravel emergency fire access road, backbone utilities on- and offsite, and an offsite sewer lift station.

**IV. Project Description**

The Project is the construction of a 1-million square-foot warehouse building on approximately 63.9 acres, including a parking lot and two stormwater basins. John Street will be extended to reach the site, and a secondary (gravel) emergency fire access road will be graded from the warehouse site, along the northerly property line of the Banning Airport and ending at Juarez Street. Water and sewer lines will be installed within surrounding road rights-of-way to reach the Project site and will include a new sewer pump station. The extension of John Street will cross Drainages 1, 2, 3, and 4, which will be culverted under the new roadway. The secondary access road will require a gravel ford crossing of Ramsey Street Wash. Construction of the warehouse site will redesign a different segment of Drainage 3 and a segment of Drainage 5. The four drainages to be crossed by John Street will have the same general culvert design: reinforced concrete pipes (RCPs), flared concrete headwall on the upstream end, and straight concrete headwall on the downstream end. Ungrouted riprap will be placed where needed for bank stabilization and velocity dissipation. The gravel emergency access road across Ramsey Street Wash will consist of 3-inches of gravel placed at-grade. Installation of backbone utilities will occur on Westward Avenue and cause temporary impacts to Drainage 6.

All offsite flows are proposed to be collected and bypassed through the Project site via a separate bypass storm drain system without comingling with the on-site flows and without entering the proposed retention basins. The bypassed off-site flows will be discharged at/or near their original discharge location into the Ramsey Street Wash.

Onsite runoff will be intercepted and conveyed through the site by means of conventional catch basins, grate inlets, swales and an underground storm drain system discharging to two infiltration basins. The two infiltration basins will store the 100-year, 3-hour runoff volume during post development conditions. The basins will be located along the southerly project boundary just north of the Ramsey Street Wash. The infiltration basins will treat on-site flows for water quality and retain a 100-year, 3-hour storm event, mitigating all storm events below the 100-year storm.

The onsite watershed areas tributary to the two proposed infiltration basins (Basin 1 and 2) were based on the Banning Distribution Center Precise Grading Plan. The Project site was subdivided into two drainage management areas (DMA). DMA-1 consists of 31.3 acres and drains into Basin 1. DMA-2 consists of 24.0 acres and drains into Basin 2. The remaining 8.8 acres of the Project will be pervious areas draining away from the Project.

The Project will extend John Street, starting 660 feet east of Hargrave Street and ending at the Project boundary. There will be a total of 4 culverts that will convey existing flows across John Street. The proposed culverts were sized based on the capacity of the existing upstream culverts, they keep the natural flow patterns and allow the offsite flows to meet existing drainage patterns. Flows will be towards the Project boundary, where there will be a sump catch basin at the end of a cul-de-sac. In order to reduce the size of the sump catch basin, 2 flow-by catch basins will be added upstream along John Street. The flow-by catch basins will discharge into the proposed culverts since there are no existing storm drain facilities along John Street.

## **V. Project Location**

The Project site is in the City of Banning, Riverside County, California on an undeveloped lot adjacent to the Banning Airport. The Project is immediately south of Interstate 10, north of Banning Airport, west of Morongo Tribal lands, one-mile east of Hargrave Street. Township/Range: T3S R1E Sections 11 and 14 (Latitude 33.94413°, Longitude -116.844711°) 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 Colorado River Basin Water Board. Receiving waters and groundwater potentially impacted by the Project are protected in accordance with the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) and other plans and policies, which may be accessed online at: [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 U.S./state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

The Project site supports six drainage features, which include all or portions of Drainages 1, 2, 3, 4, 5, and 6. The drainages within the Project site are waters that are

direct tributaries to Smith Creek. Runoff from the Project site is discharged into Smith Creek, which is tributary to San Gorgonio River, which is tributary to the Whitewater River, which is tributary to the Coachella Valley Storm Drain Channel, which is ultimately tributary to the Salton Sea.

Drainage 1:

Drainage 1 is the largest drainage within the Project site and it originates in the western portion of the site along the off-site improvement John Street and exits the Project site in the southeastern corner (See photos 1, 2, and 3). This feature is an ephemeral drainage, relatively unvegetated, and contains boulders and cobbles along the creek bed. This feature temporarily flows off-site before entering the southern portion of the main Project site and flows along the southern boundary.

Drainage 2:

Drainage 2 is a small ephemeral swale with intermittent bed and bank features that occurs along the off-site improvement, John Street. The ordinary high-water mark (OHWM) is periodic and is often only visible as a noticeable change in sediment or vegetation. Most of the drainage contains similar soils as the adjacent uplands. This feature conveys flows from the adjacent railroad right-of way into Drainage 1.

Drainage 3:

Drainage 3 is tributary to Drainage 1 and also conveys flows from the adjacent railroad right-of-way that occurs along the off-site improvement, John Street. This feature is an ephemeral drainage, relatively unvegetated, and contains cobbles and sand along the creek bed. This feature temporarily flows off-site before entering the western portion of the main Project site and flows within the southwestern corner of the Project site before flowing into Drainage 1

Drainage 4:

Drainage 4 is a small tributary to Drainage 3 and about half the size that occurs along the offsite improvement, John Street. This feature is similar to Drainage 3. It is an ephemeral drainage, unvegetated, and contains cobbles and sand along the creek bed. This feature temporarily flows off-site before entering the western portion of the main project site and flows within the southwestern corner of the project site before flowing into Drainage 3.

Drainage 5:

Drainage 5 is an ephemeral drainage that originates in the northeast corner of the Project site. It is also an ephemeral drainage, unvegetated, and contains cobbles and sand along the creek bed. This drainage feature terminates as sheet-flow along the eastern edge of the Project site. Downstream of the Project, the OHWM is visible and the drainage eventually flows into Smith Creek.

Drainage 6:

Drainage 6 is an ephemeral drainage that originates at the eastern terminus of Barbour Street, south of the Project site. It is an ephemeral drainage, unvegetated, and contains cobbles and sand along the creek bed. This drainage feature originates as sheet-flow along the eastern edge of a paved road and flows into a soft-bottom channel. The drainage meanders to the southeast for 1,500 feet before heading east along the north side of Westward Avenue and occurs along the off-site wet utility alignment. The drainage flows due east for approximately 700 linear feet before flowing over Westward Avenue and continuing east for approximately 2,000 linear feet before entering Smith Creek.

Further 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 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/U.S.**

Project impacts are described in the Project Description, Section IV. 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 only.

**Table 1: Total Project Fill/Excavation Quantity**

Temporary Impact <sup>1</sup>	Permanent Impact - Physical Loss of Area	Permanent Impact - Degradation of Ecological Condition Only
0.17 acres 140 linear feet	0.23 acres 1,527 linear feet	--

**VIII. Compensatory Mitigation**

The Permittee has agreed to provide mitigation for 0.23 acres of permanent impacts to jurisdictional waters of the U.S. through the purchase of 0.23 acres of re-establishment credit from a mitigation bank or an in-lieu-fee program, at a 1:1 ratio. Additional mitigation to compensate for temporary impacts (0.17 acres) will be provided with the purchase of 0.56 acres of rehabilitation credit from a mitigation bank or an in-lieu-fee program, at a 3:1 ratio. Overall, a total of 0.79 acres of credits purchased to offset a total of 0.4 acres of permanent and temporary impacts to waters of the U.S.

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<sup>1</sup> Includes only temporary direct impacts to waters of the state/U.S. and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state/U.S. 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.

**IX. California Environmental Quality Act (CEQA)**

On December 11, 2018, the City of Banning certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2018011032) and adopted a Mitigation Monitoring and Reporting Program (MMRP). The City of Banning filed a Notice of Determination (NOD) with the SCH on December 14, 2018. In January 2019, the City of Banning prepared an Addendum to the FEIR. The City Council approved the Addendum on January 9, 2019.

As a responsible agency, the Colorado River Basin Water Board has reviewed and considered the environmental documents prepared by the City of Banning and finds that they address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) supporting the issuance of this Order in Attachment C.

**X. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Resources Control Board (State Water Board) to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

**XI. Fees Received**

An application and project fee of \$4,347 was received on October 21, 2019. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**XII. Conditions**

The Colorado River Basin Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

**A. Authorization**

Impacts to waters of the U.S./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. Requirements for the content of these reporting and notification types are detailed in Attachment E, 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 E, which must be signed by the Permittee or an authorized representative.

## 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15<sup>th</sup> day of each month for the duration of the construction phase. Monthly reporting shall continue until the Colorado River Basin Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee must submit an Annual Report including activities conducted for the previous fiscal year (July 1-June 30) to the Colorado River Basin Water Board on the 1<sup>st</sup> of September. Annual Reports must be submitted even if Project construction has not begun. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee by the Colorado River Basin Water Board.
- c. **Other Reporting:** If pollutants are observed in surface water, the Permittee shall submit a report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the report.

If repairs are required, the Permittee shall take pictures of the area where work needs to take place, documenting the before and after conditions of the area; and shall maintain a daily log for each site where work is taking place pursuant to this Order, while the Permittee conducts its repair activities. The log shall:

- Provide a general description of the repair work;
- Specify the date and daily starting and ending time for the repair work;
- Note key weather conditions (e.g., temperature, wind speed and direction, precipitation, if any);
- Include notes from visual observations regarding the presence/absence of construction debris/trash (e.g., discarded filter fiber) and used oil (e.g., oil that leaks from construction equipment) in the area where the work has taken place.

**Within 30 days following completion of all repair work**, the Permittee shall submit to the Colorado River Basin Water Board a summary report of the key daily log entries. The summary report shall include the above-

mentioned before and after pictures of the conditions of the area and shall be signed by the Permittee's Project Manager.

## 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.

### 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 Colorado River Basin Water Board staff within 30 days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff will issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

### 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,<sup>2</sup> and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within 30 days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

## 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

### a. Accidental Discharges of Hazardous Materials<sup>3</sup>: Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

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

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<sup>2</sup> Completion of post-construction monitoring shall be determined by Colorado River Basin Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>3</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 & Saf. Code, § 25501.)

provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:  
(800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES procedures as set forth in:  
[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 the Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Colorado River Basin 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 Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state/U.S., and runoff from water contact with uncured concrete.
- ii. 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:**

- i. The Permittee shall notify the Colorado River Basin Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, 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 Colorado River Basin Water Board staff.

- d. Modifications to Project:** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Colorado River Basin 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 Colorado River Basin 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 Colorado River Basin Water Board in accordance with the following terms:
- i.** The Permittee must notify the Colorado River Basin 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 Colorado River Basin Water Board at least 10 days prior to the transfer of ownership.
  - 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 best management practices (BMPs) is legally transferred, the Permittee must submit to the Colorado River Basin 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 Colorado River Basin 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 to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin 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:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Colorado River Basin Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

Sampling shall be conducted in accordance with Table 2 sampling parameters.<sup>4</sup>

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

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours

4. **Post-Construction:** The Permittee shall visually inspect the Project site during the rainy season for five (5) years 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, the Permittee shall contact the Colorado River Basin Water Board staff member overseeing the Project within three (3) working days. The Colorado River Basin Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

**D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, article 6 commencing with section 3867. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water

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<sup>4</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations part 136; where no methods are specified for a given pollutant, the method shall be approved by Colorado River Basin Water Board’s Executive Officer. 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.

Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to ensure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
  2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plan by the Colorado River Basin Water Board or any applicable State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
  3. In response to a suspected violation of any condition of this Order, the Colorado River Basin 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. 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.
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4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act section 401(d), this condition constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and Report Program (MMRP) of the FEIR, which is incorporated by reference, and any additional measures outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, *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).

#### F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D 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 & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take 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 Colorado River Basin 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.



**Table 3: BMPs**

Type of BMP	BMP	Application
Construction BMPs	Erosion control	Implement erosion control BMPs to mitigate soil erosion, minimize soil loss from wind erosion, and to reduce air pollution during construction activities for all disturbed areas. Examples: mulch, straw, wood chips, soil application, lot perimeter protection per county standards, bonded fiber matrix or stabilized fiber matrix, physical stabilization erosion control blanket.
	Velocity reduction	Implement velocity reduction BMPs to reduce water/runoff velocity. Examples: energy dissipater outlet protection.
	Sediment control	Implement sediment control BMPs to remove sediment loads from runoff generated within the construction site for all disturbed areas. Examples: silt fence, fiber rolls, gravel bags, dewatering filtration.
	Off-site sediment tracking control	Implement off-site sediment tracking control BMPs for reducing the transport of sediment on tires off, and within, construction site. Examples: stabilized construction entrance, construction road stabilization, entrance/exit tire wash, entrance/exit inspection and cleaning facility.
	General site and materials management	Implement general site and materials management BMPs for materials and waste management. Examples: material delivery and storage management, spill prevention and control, concrete waste management, solid waste management, sanitary waste management, hazardous waste management.
Low Impact Development (LID)	Conservation of natural drainages	Implement LID BMPs to conserve natural drainages. Examples: minimize disturbances of natural areas, construct in least environmentally sensitive areas.
	Minimize disturbances to natural drainages	Implement LID BMPs to minimize disturbances to natural drainages. Examples: avoid disturbing natural swales and topographic depressions, construction setback from creeks.
	Minimize impervious surfaces	Implement LID BMPs to reduce impervious surfaces through efficient site design. Examples: preserve existing vegetation, permeable roads with minimum widths.
	Minimize soil compaction	Implement LID BMPs to minimize soil compaction. Examples: protect native soil and vegetation from construction equipment.
	Drain runoff from impervious surfaces to pervious areas	Implement LID BMPs to drain runoff from impervious surfaces to pervious areas.
	Hydrologic design	Implement LID BMPs for optimizing hydrologic design. Examples: infiltration trenches or basins, depression areas for infiltration, bio-filters such as vegetated or rock swales.

Type of BMP	BMP	Application
	Permeable pavement design	Implement LID BMPs using permeable pavement design. Examples: pervious concrete, permeable asphalt concrete/pavers, granular material.
	LID road design	Implement LID BMPs for road design. Examples: permeable roads, reduction of overall road coverage, direct runoff to vegetated swales.
Post-Construction BMPs	Protection of channel banks/manufactured slopes	Implement channel protection BMPs to protect banks of the channels as well as the slopes.
	Outlet protection	Implement outlet protection BMPs to reduce discharge/water velocity. Examples: energy dissipater outlet protection, velocity dissipation devices.

**Hazardous Materials**

5. No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To the extent practicable, these materials shall be stored offsite and placed in appropriate secondary containment.
6. Spoil sites shall not be located where spoil could be washed back into the stream channel or where spoil covers aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
7. No fueling or maintenance of equipment or vehicles shall occur adjacent or within the wash/drainage areas.

**Roads**

8. Work and staging areas and temporary access routes shall be sized, located, and flagged to limit potential impacts to natural areas. Previously-disturbed areas shall be used to the extent feasible.

**Sediment Control**

9. The Permittee shall implement sediment control BMPs to remove sediment loads from runoff generated within the construction site for all disturbed areas. Examples: silt fence, fiber rolls, gravel bags, dewatering filtration.
10. The Permittee shall implement off-site sediment tracking control BMPs for reducing the transport of sediment on tires off of and within the construction site. Examples: stabilized construction entrance/exit tire wash, entrance/exit inspection and cleaning facility.

**Stabilization/Erosion Control**

11. The Permittee shall implement erosion control BMPs to mitigate soil erosion, minimize soil loss from wind erosion, and to reduce air pollution during construction activities for all disturbed areas. Examples: mulch, straw, wood chips, soil application, lot perimeter protection per county standards, bonded fiber matrix or stabilized fiber matrix, physical stabilization erosion control blanket.

**Stormwater**

12. Work shall not be conducted during rain events.

13. The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that complies with the requirements of the State Water Board’s Construction General Permit.

14. Post-construction, the Permittee shall implement channel protection BMPs to protect banks of the channels as well as the slopes.

Post-construction, the Permittee shall implement outlet protection BMPs to reduce discharge/water velocity. Examples: energy dissipater outlet protection, velocity dissipation devices.

**H. Compensatory Mitigation for Permanent and Temporary Impacts**

**1. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized permanent loss of 0.23 acres of desert wash at a 1:1 replacement ratio.
- b. Total required, Project-compensatory mitigation information for permanent physical loss of area is summarized in Table 4:

**Table 4: Required Compensatory Mitigation for Permanent Impacts**

<b>Aquatic Res. Type</b>	<b>Comp. Mit. Type<sup>5</sup></b>	<b>Est.<sup>6</sup></b>	<b>Re-est.</b>	<b>Reh.</b>	<b>Enh.</b>	<b>Pres.</b>	<b>Unknown</b>
Stream Channel	MB	--	0.23 ac.	--	--	--	--

<sup>5</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR).

<sup>6</sup> Methods of mitigation: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

- c. The Permittee is also required to provide compensatory mitigation for 0.17 acres of temporary impacts to waters of the U.S at an approximate 3:1 mitigation ratio, for a total of 0.56 acres of rehabilitation credits.
- d. Total required, Project-compensatory mitigation information for temporary physical loss of area is summarized in Table 5:

**Table 5: Required Compensatory Mitigation for Temporary Impacts**

<b>Aquatic Res. Type</b>	<b>Comp. Mit. Type</b>	<b>Est.</b>	<b>Re-est.</b>	<b>Reh.</b>	<b>Enh.</b>	<b>Pres.</b>	<b>Unknown</b>
Stream Channel	MB	--	--	0.56 ac.	--	--	--

**2. Compensatory Mitigation Plan**

- a. The Permittee agreed to provide compensatory mitigation for permanent and temporary impacts to waters of the U.S via participation in a Mitigation Bank (MB) or an In-Lieu-Fee (ILF) program, for a total of 0.79 acres of re-establishment credits. The Permittee has chosen to participate in the Riverpark Mitigation Bank.
- b. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by Colorado River Basin Water Board staff. The final compensatory mitigation plan shall include all plan elements as outlined in 40 C.F.R. section 230.94(c)(5)-(6).

**3. Purchase of Mitigation Bank Credits by Permittee for Compensatory Mitigation**

- a. A copy of the fully-executed agreement for the purchase of MB credits shall be provided to the Colorado River Basin Water Board within 90 days of authorized impacts.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Colorado River Basin Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

**XIII. Water Quality Certification**

I hereby issue the Order for the Banning Distribution Center Project, WDID No. 7A333213001, certifying under Clean Water Act section 401 that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). Pursuant to State Water Board Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements (WDRs) under the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of statewide water quality control plans and policies and the Colorado River Basin Water Board’s Basin Plan and policies.

Original Signed By

Paula Rasmussen  
Executive Officer  
Colorado River Basin  
Regional Water Quality Control Board

9/11/2020

Date

- Attachment A** Maps and Photos
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Fact
- Attachment D** Signatory Requirements
- Attachment E** Reporting Requirements

**Attachment A**  
**Project Maps**

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NOT INCLUDED

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**Attachment B**  
**Receiving Waters, Impact, and Mitigation Information**

**Receiving Waters**

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

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

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID
No	Drainage 1 (Tributary to Smith Creek)	Smith Creek (Tributary to San Gorgonio Wash)	Unvegetated tributary	Salton Sea Watershed	Whitewater River	MUN, AGR, GWR, REC I, REC II, COLD, WILD,	N/A	<sup>7</sup>
No	Drainage 2 (Tributary to Smith Creek)	Smith Creek (Tributary to San Gorgonio Wash)	Unvegetated tributary	Salton Sea Watershed	Whitewater River	MUN, AGR, GWR, REC I, REC II, COLD, WILD,	N/A	--
No	Drainage 3 (Tributary	Smith Creek (Tributary to	Unvegetated tributary	Salton Sea Watershed	Whitewater River	MUN, AGR, GWR, REC	N/A	--

<sup>7</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID
	to Smith Creek)	San Gorgonio Wash)				I, REC II, COLD, WILD,		
No	Drainage 4 (Tributary to Smith Creek)	Smith Creek (Tributary to San Gorgonio Wash)	Unvegetated tributary	Salton Sea Watershed	Whitewater River	MUN, AGR, GWR, REC I, REC II, COLD, WILD,	N/A	--
No	Drainage 5 (Tributary to Smith Creek)	Smith Creek (Tributary to San Gorgonio Wash)	Unvegetated tributary	Salton Sea Watershed	Whitewater River	MUN, AGR, GWR, REC I, REC II, COLD, WILD,	N/A	--
No	Drainage 6 (Tributary to Smith Creek)	Smith Creek (Tributary to San Gorgonio Wash)	Unvegetated tributary	Salton Sea Watershed	Whitewater River	MUN, AGR, GWR, REC I, REC II, COLD, WILD,	N/A	--

**Individual Direct Impact Locations**

The following table shows individual impact locations.

**Table 2: Individual Direct Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts	Permanent Fill/Excavation Impacts
1	33.923479	-116.845137	No	---	---	0.04 Acres	0.09 Acres 166 Linear Feet
2	33.924887	-116.853413	No	---	---	---	0.01 Acres 94 Linear Feet
3	33.924304	-116.848170	No	---	---	0.01 Acres	0.05 Acres 329 Linear Feet
4	33.924867	-116.848537	No	---	---	---	0.01 Acres 178 Linear Feet
5	33.926706	-116.842612	No	---	---	---	0.07 Acres 760 Linear Feet
6	33.918099	-116.845239	No	---	---	0.12 Acres 140 Linear Feet	---

**Compensatory Mitigation Information**

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

**Mitigation Bank Compensatory Mitigation Site Information**

**Table 3 Mitigation Bank: First Option if Available**

Mitigation Bank Name:	Riverpark Mitigation Bank
Website:	mccollum@mccollum.com/mitigation
Mitigation Bank Contact Name:	Mike McCollum
Phone:	(916) 708-2727
Email:	mccollum@mccollum.com
Mitigation Location - County:	Riverside
Latitude:	33.824740
Longitude:	-117.147938

**Table 4 Mitigation Information**

Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity	Number of Credits Purchased
Unvegetated or Vegetated Streambed	Re-establishment and/or rehabilitation	0.30 Acres	0.79 Acres

**In-Lieu Fee Compensatory Mitigation Information**

**Table 5 In-Lieu Fee Program: Second Option if Option 1 is Unavailable**

In-Lieu Fee Program Name:	Inland Empire Resource Conservation District In-Lieu Fee Program
Website:	<a href="http://www.iercd.org">www.iercd.org</a>
In-Lieu Fee Program Contact Name:	Mandy Parkes
Phone:	(909) 283-7779
Email:	mparkes@iercd.org
In-Lieu Fee Program Location - County:	Riverside
Latitude:	TBD
Longitude:	TBD

**Table 6 Mitigation Information**

Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity	Number of Credits Purchased
Unvegetated or vegetated streambed	Rehabilitation	0.30 Acres	--

**Attachment C**  
**CEQA Findings**

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**A. Environmental Review**

On December 11, 2018, the City of Banning, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2018011032) for the Project and filed a Notice of Determination (NOD) at the SCH on January 9, 2019. In January 2019, the City of Banning prepared an Addendum to the FEIR. The City Council approved the Addendum on January 9, 2019.

The Colorado River Basin Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that City of Banning's certified environmental document comports with the requirements of CEQA and is valid (Public Resources Code, §§ 21080.1(a), 21167.2). The Colorado River Basin Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Banning addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Banning for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

**B. Incorporation by Reference**

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

The Project FEIR is available for review at:  
<http://banning.ca.us/ArchiveCenter/ViewFile/Item/1985>

The Addendum to the FEIR is incorporated herein by reference and available at:  
<http://banning.ca.us/ArchiveCenter/ViewFile/Item/1963>

Requirements under the purview of the Colorado River Basin 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.

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**C. Findings and Determination**

Having considered the whole of the record, the Colorado River Basin Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources, when implemented in accordance with the mitigation measures required in MMRP and the conditions in this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

The Colorado River Basin Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, §§ 15096, subd. (i).)

**Attachment D**  
**Signatory Requirements**

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SIGNATORY REQUIREMENTS

All Documents Submitted in Compliance with This Order  
Shall Meet the Following Signatory Requirements:

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

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

**Attachment E**  
**Reporting Requirements****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:

1. Go to:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtm](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtm)  
↓

2. Find your Order in the table based on Applicant, Date, and Subject headers.

**Report Submittal Instructions**

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - a. **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - b. **Part B (Project Status Notifications):** Used to notify the Colorado River Basin Water Board of the status of the Project schedule that may affect Project billing.
  - c. **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.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - a. Submit signed Report and Notification Cover Sheet and required information via email to: coloradoriver@waterboards.ca.gov and cc: kai.dunn@waterboards.ca.gov
  - b. Include in the subject line of the email:
4. Subject: ATTN: Kai Dunn; Reg. Measure ID: 435424\_Report

### Definition of Reporting Terms

1. **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.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Colorado River Basin 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. Colorado River Basin 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.
3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Colorado River Basin 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. Colorado River Basin 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.
4. **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 Colorado River Basin Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

### Map/Photo Documentation Information

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

**1. 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 (NAD38) 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.

- 2. 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

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Atwell Phase II Development Project
<b>Permittee:</b>	Pardee Homes
<b>WDID No.:</b>	7A333213001
<b>Reg. Meas. ID:</b>	435424
<b>Place ID:</b>	862735
<b>Order Effective Date:</b>	September 11, 2020

**Report Type Submitted**

**Part A – Project Reporting**

Report Type 1	<input type="checkbox"/> Monthly Report
Report Type 2	<input type="checkbox"/> Annual Report

**Part B – Project Status Notifications**

Report Type 3	<input type="checkbox"/> Commencement of Construction
Report Type 4	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type 5	<input type="checkbox"/> Request for Notice of Project Complete Letter

**Part C – Conditional Notifications and Reports**

Report Type 6	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type 7	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type 8	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9	<input type="checkbox"/> Modifications to Project Report
Report Type 10	<input type="checkbox"/> Transfer of Property Ownership Report
Report Type 11	<input type="checkbox"/> 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."

<b>Print Name<sup>8</sup></b>	<b>Affiliation and Job Title</b>
<b>Signature</b>	<b>Date</b>

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.**

<sup>8</sup> STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 15th day of every month until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> 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<sup>9</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> 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.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> </ol> </li> </ol>

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<sup>9</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Colorado River Basin Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on December 31st. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>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.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>

**Annual Report Topics (1-3)**

<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable:             <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> </ol> </li> </ol>

	<b>b.</b> Summary of Certification Deviations. See Certification Deviation Attachment for further information.
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.</li> </ol>
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<p><b>*If not applicable report N/A.</b></p> <p><b>Part A. Permittee Responsible</b></p> <ol style="list-style-type: none"> <li>1. Planned date of initiation of compensatory mitigation site installation.</li> <li>2. If installation is in progress, a map of what has been completed to date.</li> <li>3. 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.</li> </ol> <p><b>Part B. Mitigation Bank or In-Lieu Fee</b></p> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

**Part B – Project Status Notifications**

<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Colorado River Basin Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Colorado River Basin 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</b>	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. 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.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Colorado River Basin 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</b>	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of</li> </ol>

	<p>temporary disturbance which could result in a discharge to waters of the state.</p> <p>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.</p> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <p>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</p> <p>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</p> <p>5. Pre- and post-photo documentation of all compensatory mitigation sites.</p> <p>6. Final maps of all compensatory mitigation areas (including buffers).</p> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <p>7. Date of storm water Notice of Termination(s), if applicable.</p> <p>8. Report status and functionality of all post-construction BMPs.</p>
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<b>Part C – Conditional Notifications and Reports</b>
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<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Colorado River Basin Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event to Colorado River Basin Water Board staff.
<b>Report Contents</b>	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 Colorado River Basin Water Board staff.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of the completion of in-water work.
<b>When to Submit</b>	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
<b>Report Contents</b>	As required by the approved water quality monitoring plan.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin 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</b>	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.
<b>Report Contents</b>	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.

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. 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</li> <li>b. responsibility for compliance with any long-term BMP<sup>10</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>2. A statement that the Permittee has informed the purchaser to submit a written request to the Colorado River Basin Water Board to be named as the permittee in a revised order.</li> </ol>

<b>Report Type 11</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMP maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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<sup>10</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

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