



Colorado River Basin Regional Water Quality Control Board

June 3, 2019

Adam Compton
California Department of Transportation
464 West Fourth Street, MS 833
San Bernardino, CA 92401

SUBJECT: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE INTERSTATE 40 REGRADE MEDIAN CROSS SLOPES PROJECT, WDID NO. 7A363027001

Dear Mr. Compton:

Enclosed please find a Clean Water Act section 401 Water Quality Certification (WQC) and Order, authorized by the Colorado River Basin Regional Water Quality Control Board. This WQC is issued for the Interstate 40 Regrade Median Cross Slopes Project (Project).

This WQC is issued in response to an application submitted by Caltrans for proposed Project discharges to waters of the U.S., to ensure that the water quality standards for all waters of the U.S. impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed WQC.

If you require further assistance, please contact Kai Dunn, Senior Water Resource Control Engineer, by phone at (760) 776-8986 or by email at Kai.Dunn@waterboards.ca.gov.

Sincerely,

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

EM/tab

Enclosures:

- (1) WQC Interstate 40 Regrade Median Cross Slopes Project
- (2) Attachment A – Maps
- (3) Attachment B – Receiving Waters, Impact, and Mitigation Information
- (4) Attachment C – CEQA Findings of Facts
- (5) Attachment D – Signatory Requirements
- (6) Attachment E – Reporting Requirements

NANCY WRIGHT, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

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- (2) Attachment A – Maps
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- (4) Attachment C – CEQA Findings of Facts
- (5) Attachment D – Signatory Requirements
- (6) Attachment E – Reporting Requirements

cc:

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Colorado River Basin Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: June 3, 2019

Program Type: Fill/Excavation

Project Type: Roads and Highways

Project: Interstate (I) 40 Regrade Median Cross Slopes

Applicant: California Department of Transportation (Caltrans)
Applicant Contact: Adam Compton
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Reg. Meas. ID:	428512
Place ID:	855651
WDID:	7A363027001
USACOE#:	SPL-2018-00406-VCL

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Water Board Staff: Kai Dunn
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Palm Desert, CA 92260
Phone: (760) 776-8986
Email: kai.dunn@waterboards.ca.gov

Water Board Contact Person:

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

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

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued by the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) at the request of California Department of Transportation (Permittee or Caltrans) for the I-40 Regrade Median Cross Slopes Project (Project). This Order is for the purpose described in the application submitted by the Permittee. The application was received on January 28, 2019. The application was deemed complete on March 1, 2019.

II. Public Notice

The Colorado River Basin Water Board provided public notice (02-01-2019) of the application pursuant to California Code of Regulations, title 23, section 3858 from February 1, 2019 to February 22, 2019. The Colorado River Basin Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to improve the safety of motorists as they use I-40 in their travels. The Project proposes to modify the existing median cross slopes along the interstate to create embankments that are flatter.

IV. Project Description

The Permittee proposes to regrade the median cross slopes along a section of I-40 from 0.5 miles west of Badger Wash to Essex Road Overcrossing. The current slopes are various levels of steepness, ranging from steeper than a 2:1 to flatter than a 10:1. Current safety standards require a 10:1 or flatter slope for cross slope gradients. Caltrans proposes to extend the slopes out within the median. In areas with stream beds that need protection, rock slope protection (RSP), head walls, and wing walls will be installed at culverts or other jurisdictional waters. Culverts will be extended where necessary and no existing streams will be diverted.

V. Project Location

The Project site is located approximately 30 miles east of Ludlow in San Bernardino County, California. The median areas are on I-40 between Post Mile (PM) R75.00 and PM R100.00. Township/Range: Townships: 18, 19, 25 N/ Ranges 5, 13, 43, 47 E; Sections 1-36 (Latitude 34° 43' 1.1568", Longitude -115° 44' 2.9904"). 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 this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies, accessible online at: 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.

Project impact and receiving waters information can be found in Attachment B.

Bristol Dry Lake and Cadiz Dry Lake are the receiving waters through numerous washes.

Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the U.S. 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 U.S.

The Project will be constructed along established roadways and bridges. Temporary impacts include vehicular access, excavations, and grading. Permanent impacts are limited to the extension of culverts and RSP.

Runoff from the Project location will drain into the following desert dry washes: Old Dad, Badger, Lind Hill, Willow, Marble, Mustand, Rojo, and Clipper Valley. The washes drain to Bristol and Cadiz Dry Lakes.

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

Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ²	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel	0.68		5,778	0.57		5,182			
Vernal Pool									
Wetland									

VIII. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for the authorized permanent loss of 0.57 acres of desert wash at a 1:1 area replacement ratio.

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

² Cubic Yards (CY); Linear Feet (LF)

IX. California Environmental Quality Act (CEQA)

On August 29, 2018, Caltrans, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2014121092) for the Project and filed a Notice of Determination (NOD) at the SCH on September 10, 2018.

The Colorado River Basin Water Board has determined that the Project will not result in any significant adverse water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd (h).) Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) which support the issuance of this Order, which are included 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

The application/Project fee of \$16,519 was received on January 28, 2019. The total fee amount of \$18,111 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.

The remaining Project fee of \$1,592 was received on April 19, 2019.

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

1. Impacts to waters of the U.S. shall not exceed quantities shown in Table 1.
2. Work shall be performed under “no flow” conditions in the washes to preclude potential impacts to water quality.

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 15th day of each month for the duration of the construction phase (approximately 250 working days). 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 1st 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 thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff shall 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,³ and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within thirty (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:**⁴ 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) 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:
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill Booklet Feb2014 FINAL BW Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill%20Booklet%20Feb2014%20FINAL%20BW%20Acc.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.

³ 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.

⁴ "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.)

- 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, and 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 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.⁵

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

⁵ 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 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.

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 sections 3867-3869, inclusive. 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; there is a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313).
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 assure 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 Plans by any applicable Colorado River Basin Water Board or any applicable State Water Board (collectively, Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the 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. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. 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 assure compliance with the water quality standards and other pertinent requirements of state law.
6. Construction General Permit Requirement: The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
7. The Permittee shall submit to the Colorado River Basin Water Board a signed copy of the California Department of Fish and Wildlife's Lake and Streambed Alteration Agreement for the Project prior to any discharge of wastes to waters of the U.S./state.

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.

- b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
 5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

G. Construction

Good Site Management “Housekeeping”

1. The Permittee shall follow good site management “housekeeping” and implement erosion control, sediment control, and other construction-related best management practices depicted in Table 3 below.
2. A qualified biological monitor shall be on site during all ground-disturbing activities (work area preparation, grading, clearing, grubbing, trenching, construction, and decommissioning activities) to prevent impacts to special-status species and other biological resources, as well as document and report any construction-related incidences.
3. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
4. After completing construction activities, any disturbed areas shall be restored to pre-existing contours and conditions to the extent feasible.

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

Table 3: BMPs

Type of BMP	BMP	Application
		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	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 tranches or basins, depression areas for infiltration, bio-filters such as vegetated or rock swales.
	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 to or within the wash/drainage areas.

Stormwater Management

8. Work shall not be conducted during rain events.
9. 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.

Roads

10. 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.

H. Compensatory Mitigation for Permanent Impacts

1. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized permanent loss of 0.57 acres of desert wash at a 1:1 area replacement ratio.
- b. Total required, Project-compensatory mitigation information for permanent physical loss of area is summarized in Table 4:

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type ⁶	Units	Method ⁷					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres					0.57	

2. Compensatory Mitigation Plan

- a. The Permittee agreed to conduct Permittee-responsible compensatory mitigation for the Project and provide compensatory mitigation for impacts to waters of the U.S. in accordance with the draft Mitigation Plan - Interstate 40 Median Regrade Project dated June 2019 and incorporated herein by reference. The draft plan proposes to preserve 0.676 acres of non-wetland waters on a 2-acre site (APN 0423-161-82) currently owned by Caltrans.
- b. 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). Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Colorado River Basin Water Board staff.
- c. Any deviations from, or revisions to, the final compensatory mitigation plan must be pre-approved by Colorado River Basin Water Board staff. The monitoring period shall continue until the Colorado River Basin Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

3. Permittee-Responsible Compensatory Mitigation Responsibility

- a. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - i. Performance standards are met.

⁶ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

⁷ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

- ii. A Transfer Agreement to a third party has been approved by Colorado River Basin Water Board staff.
- iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
- iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Colorado River Basin Water Board staff.

b. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility

- i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Colorado River Basin Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Colorado River Basin Water Board under Water Code section 13385, subdivision (a).
- ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Colorado River Basin Water Board staff. A draft transfer agreement is due to Colorado River Basin Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Colorado River Basin Water Board staff within 30 days of the completion of the transfer.

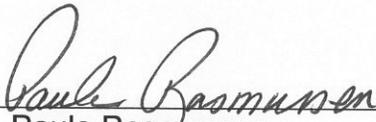
I. Mitigation for Temporary Impacts

The Permittee shall restore all areas of temporary impacts to waters of the U.S. and all Project site upland areas of temporary disturbance which could result in a discharge of waters of the U.S.

XIII. Water Quality Certification

I hereby issue the Order for Caltrans – I-40 Regrade Median Cross Slopes Project, WDID No. 7A363027001, certifying 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).

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 water quality control plan and policies.



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

June 3, 2019
Date

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

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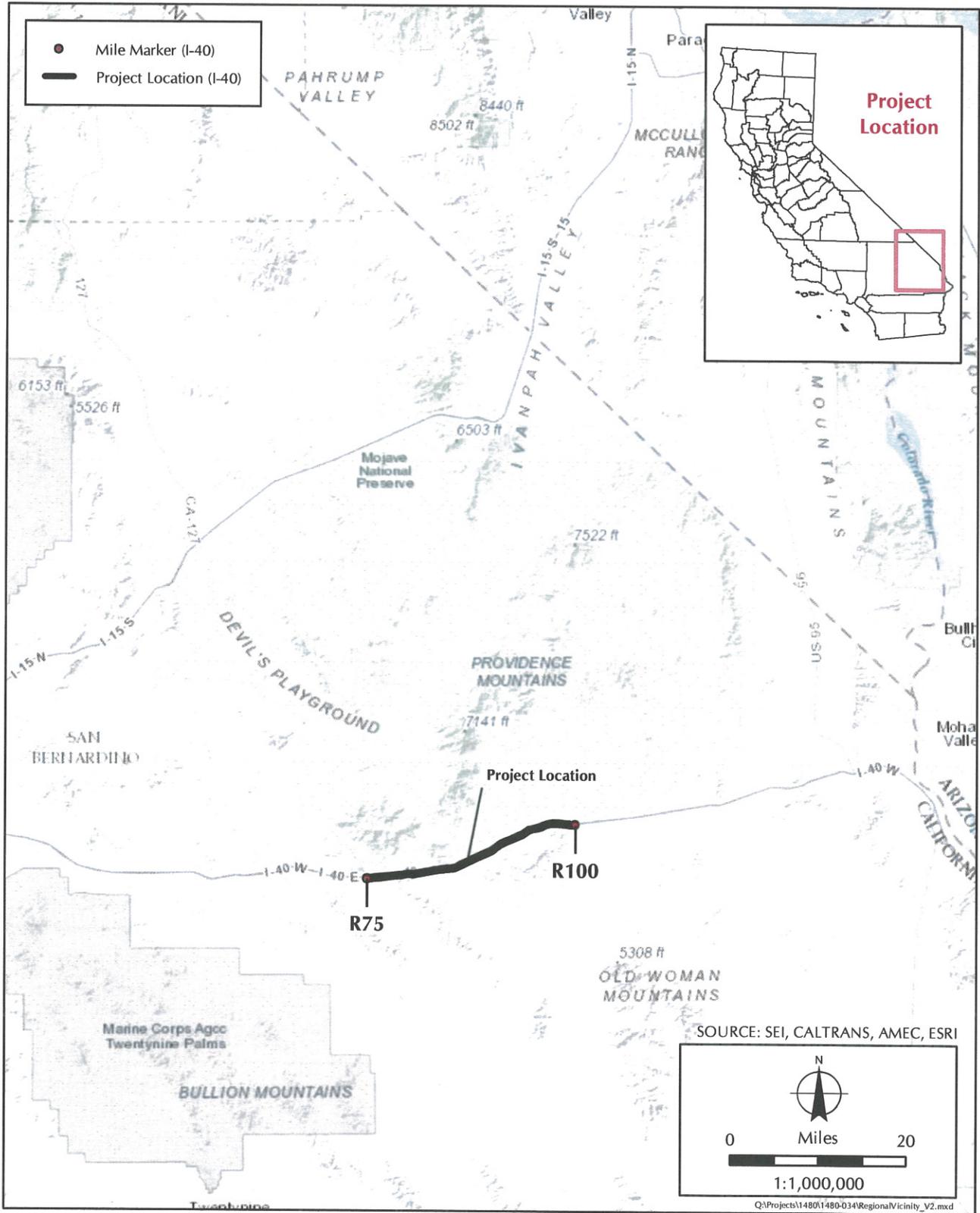


FIGURE 1A
Regional Vicinity Map

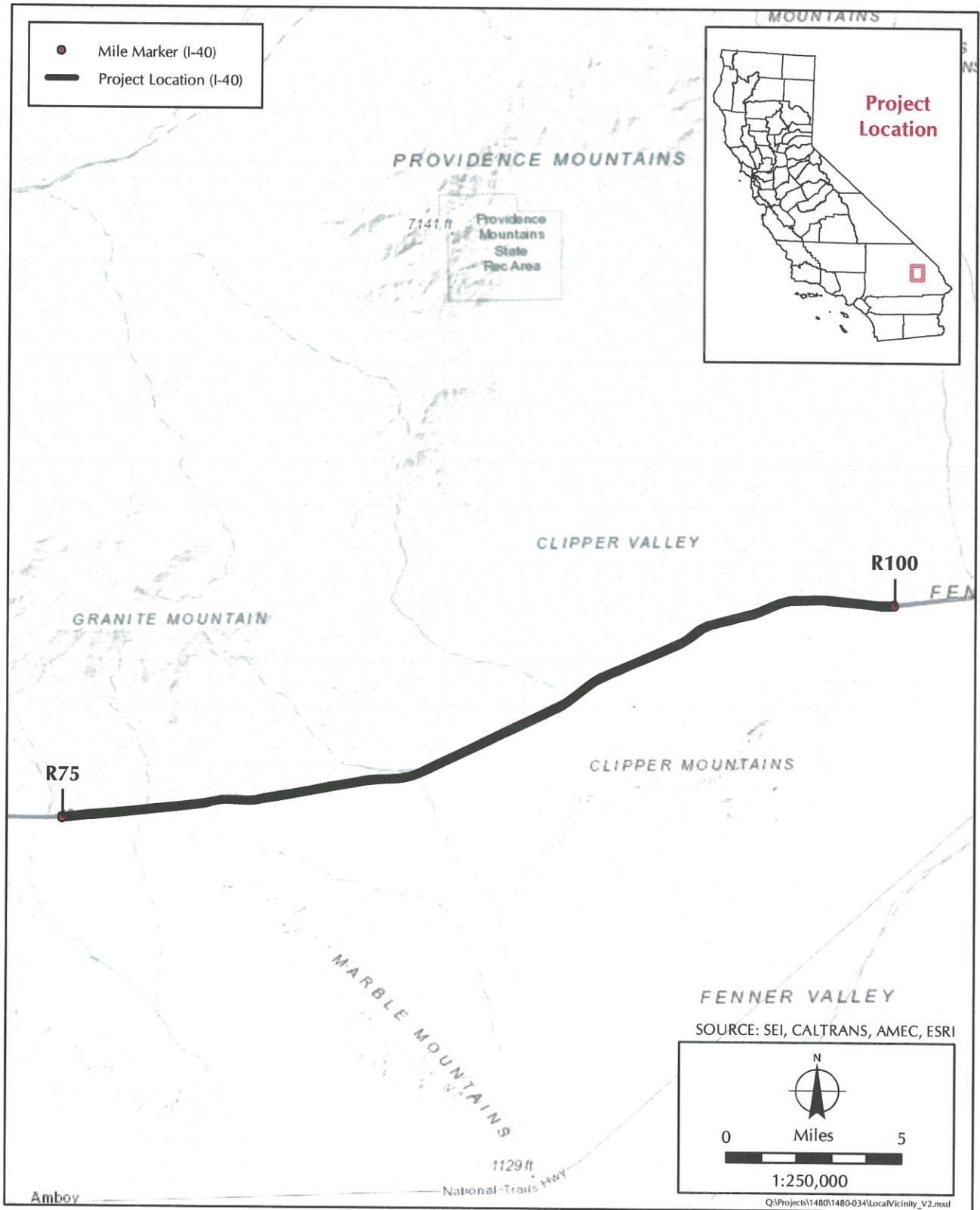


FIGURE 1B
Local Vicinity Map

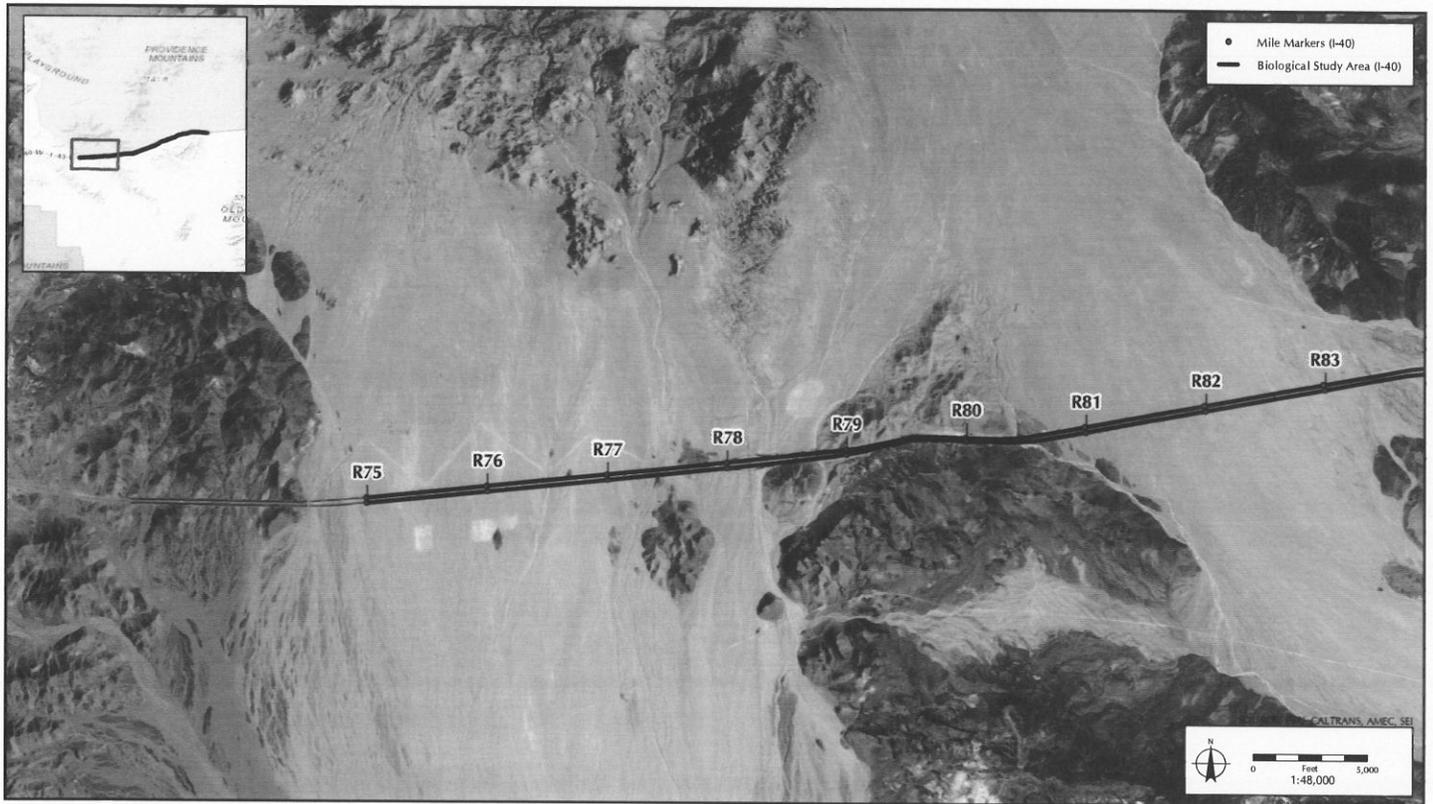


FIGURE 2A
Biological Study Area

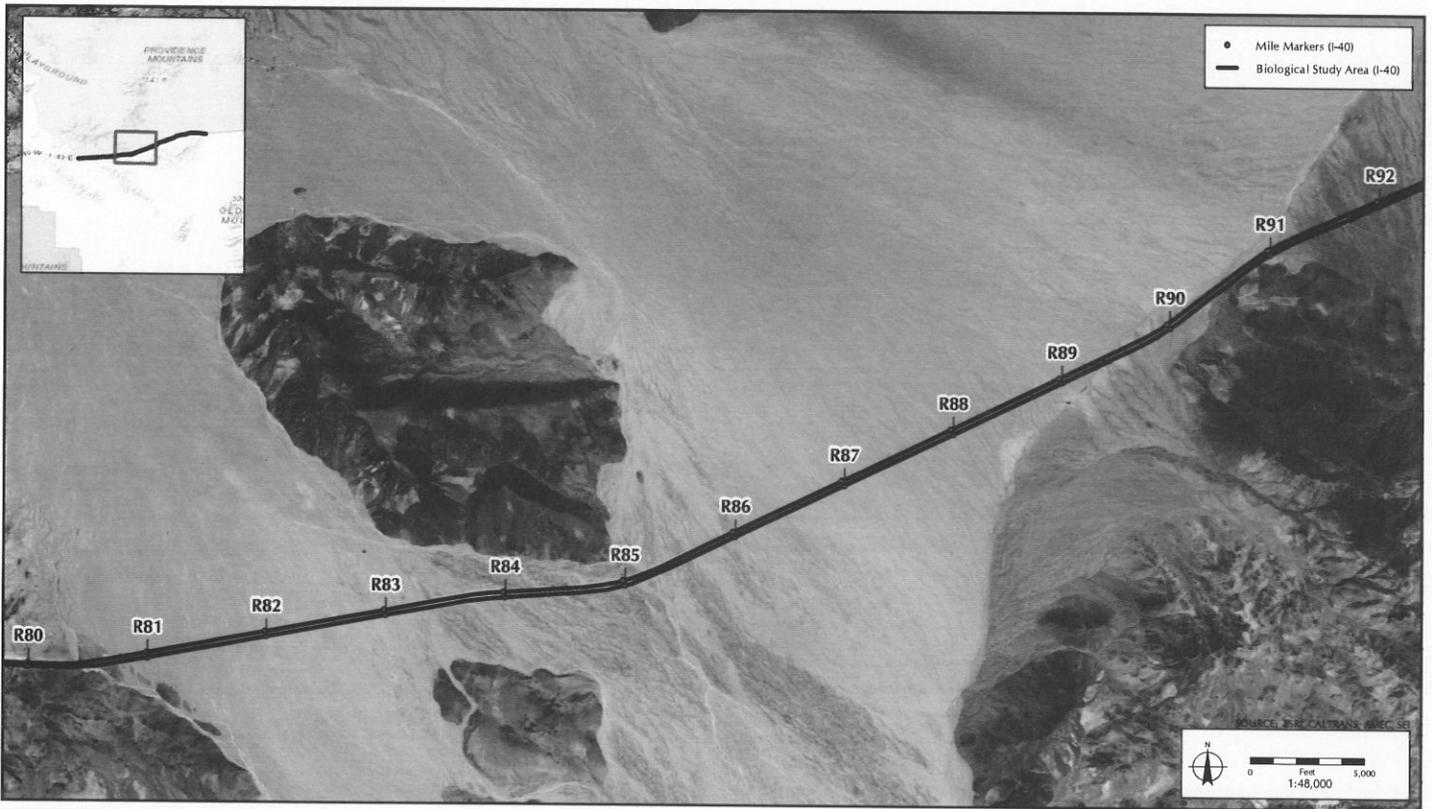


FIGURE 2B
Biological Study Area

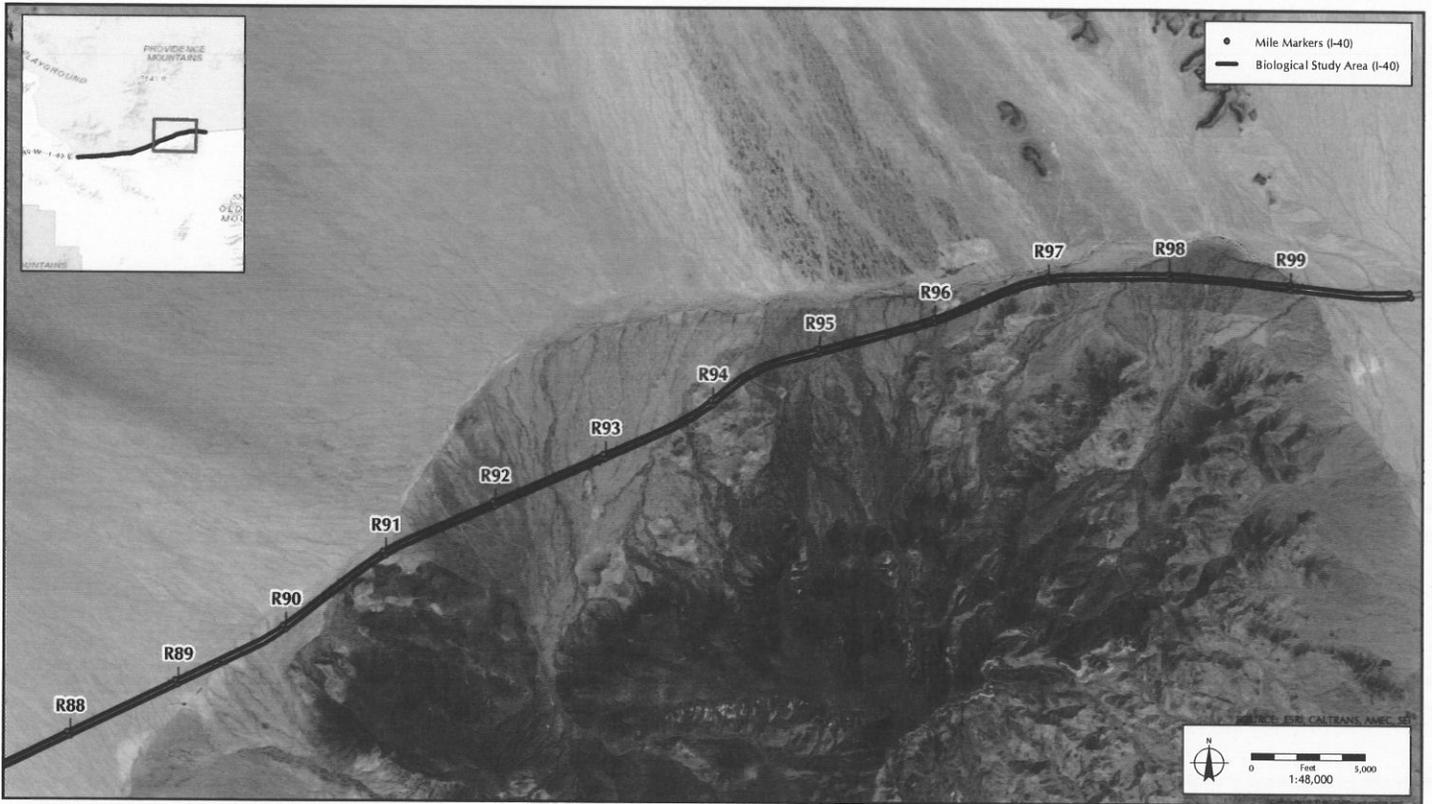


FIGURE 2C
Biological Study Area

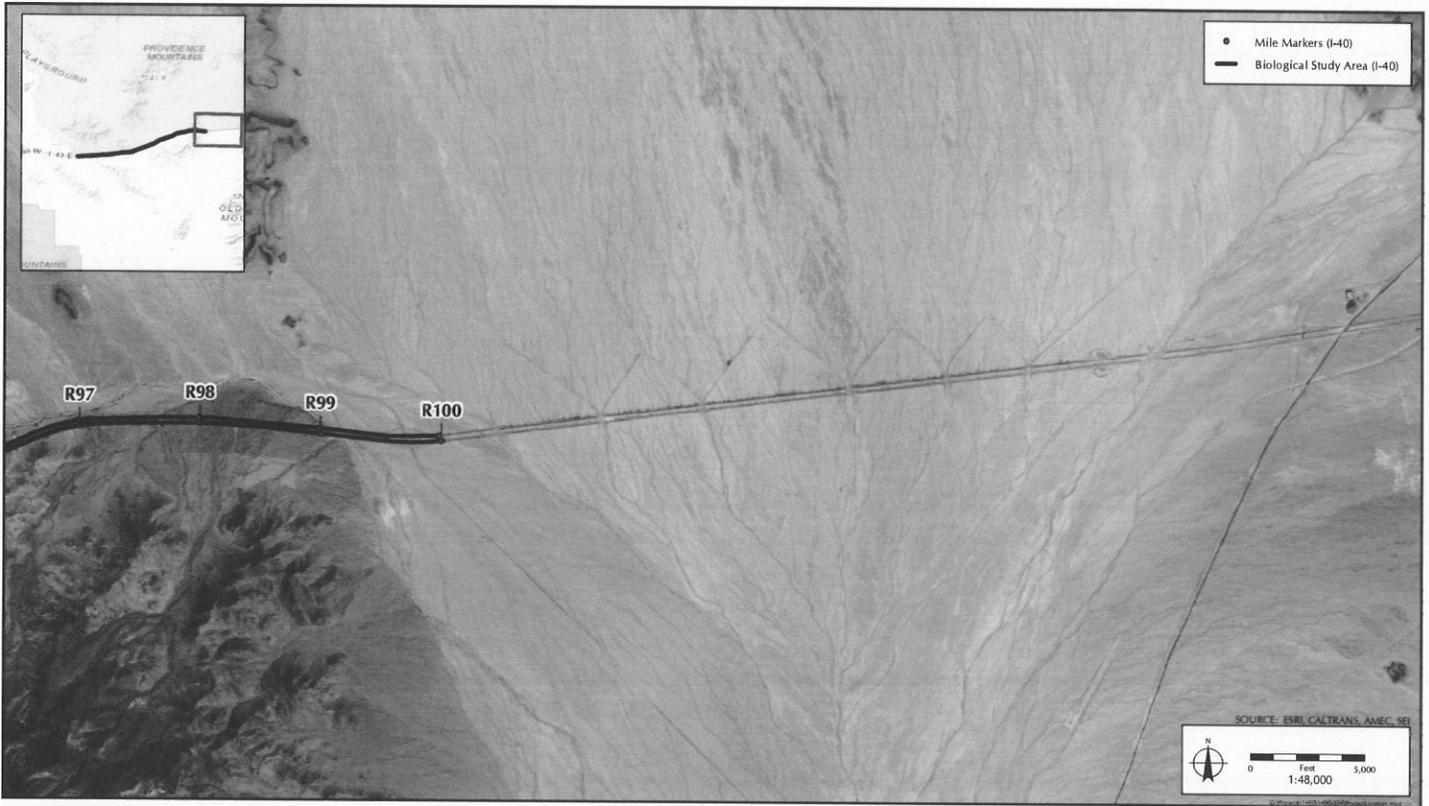


FIGURE 2D
Biological Study Area



PHOTO 1
Class 5 desert tortoise carcass shell remains

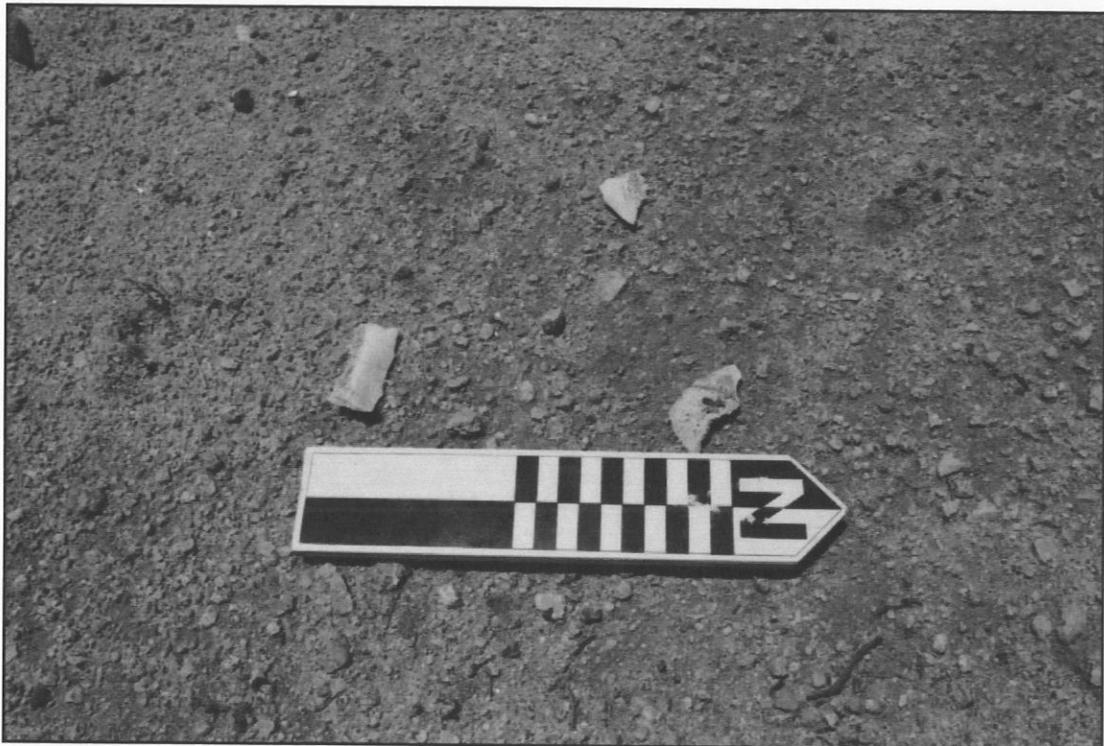


PHOTO 2
Class 5 desert tortoise carcass shell remains



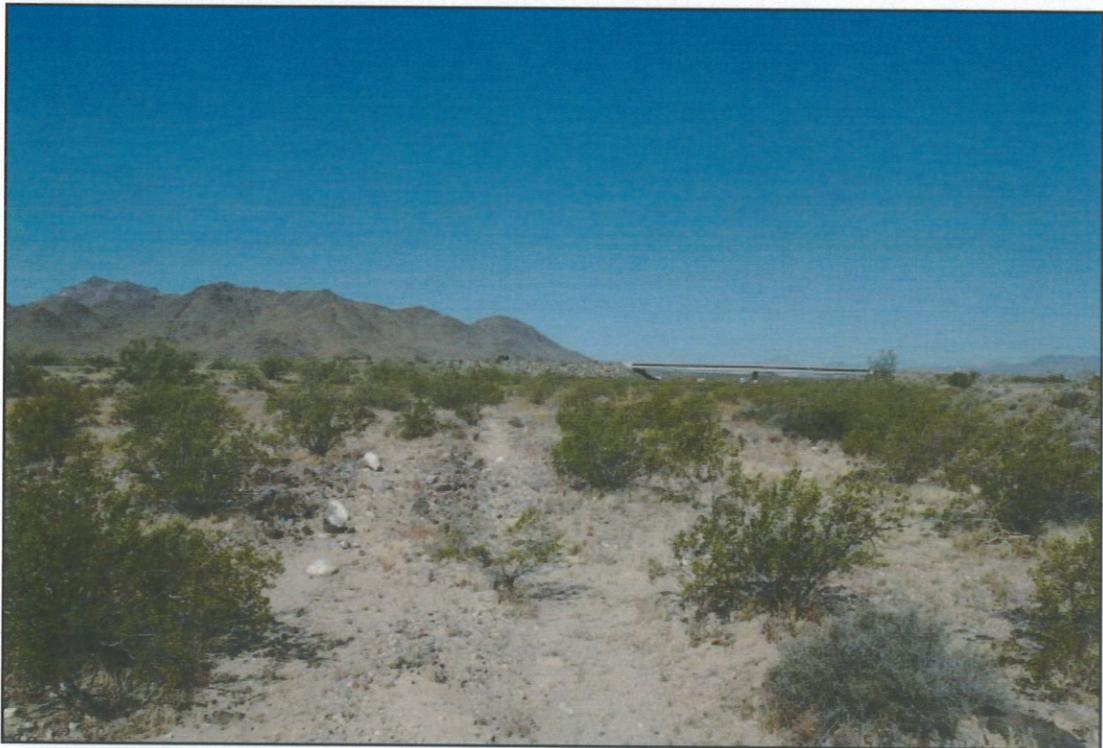


PHOTO 3
Creosote Bush Scrub

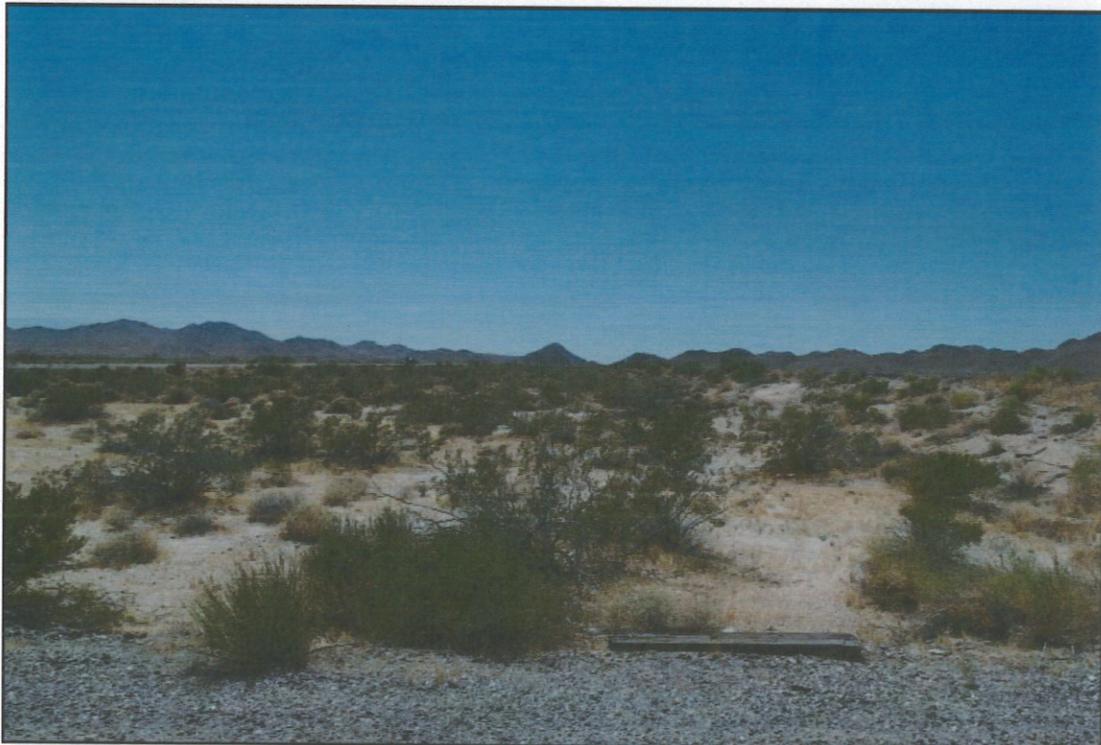


PHOTO 4
Creosote Bush Scrub



APPENDIX A
Site Photographs



PHOTO 5
Creosote Bush - White Burr-Sage Scrub

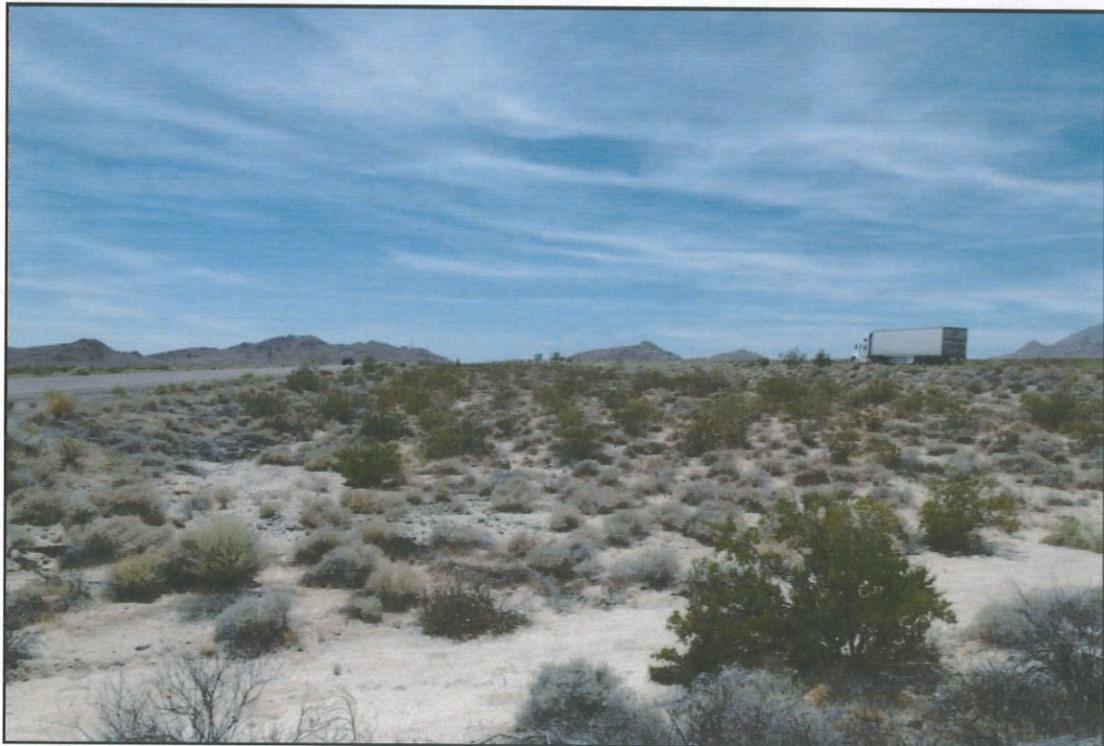


PHOTO 6
Creosote Bush - White Burr-Sage Scrub





PHOTO 7
Cheesebush Scrub

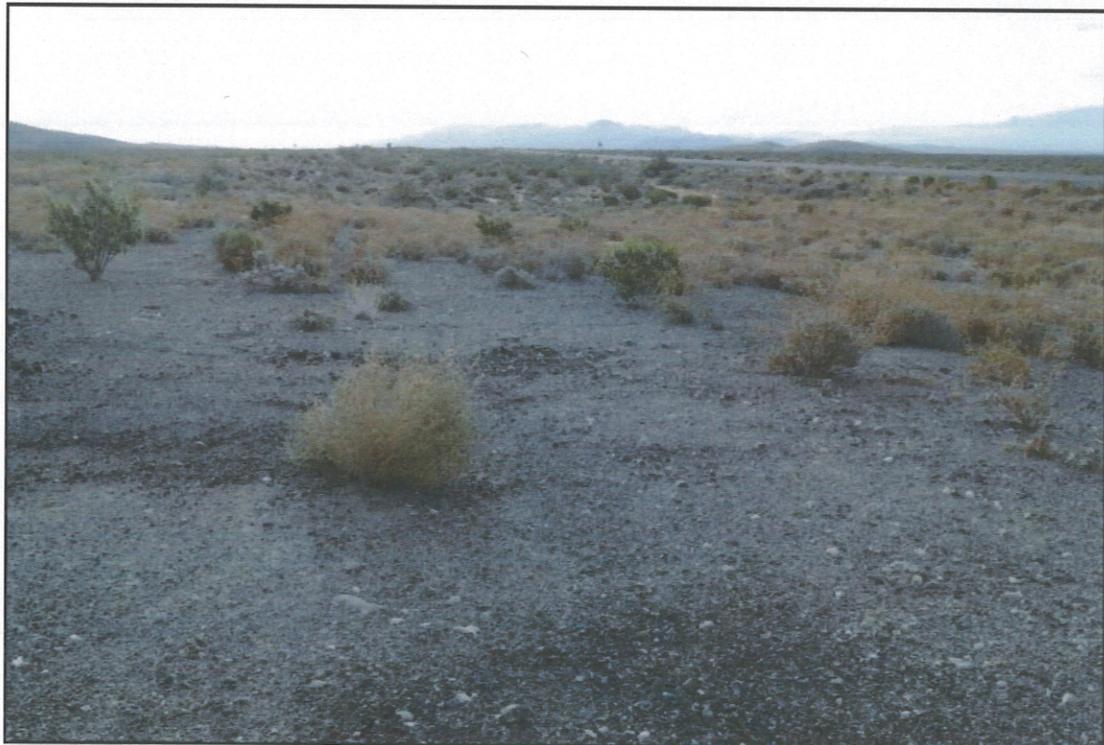


PHOTO 8
Brittle Bush Scrub



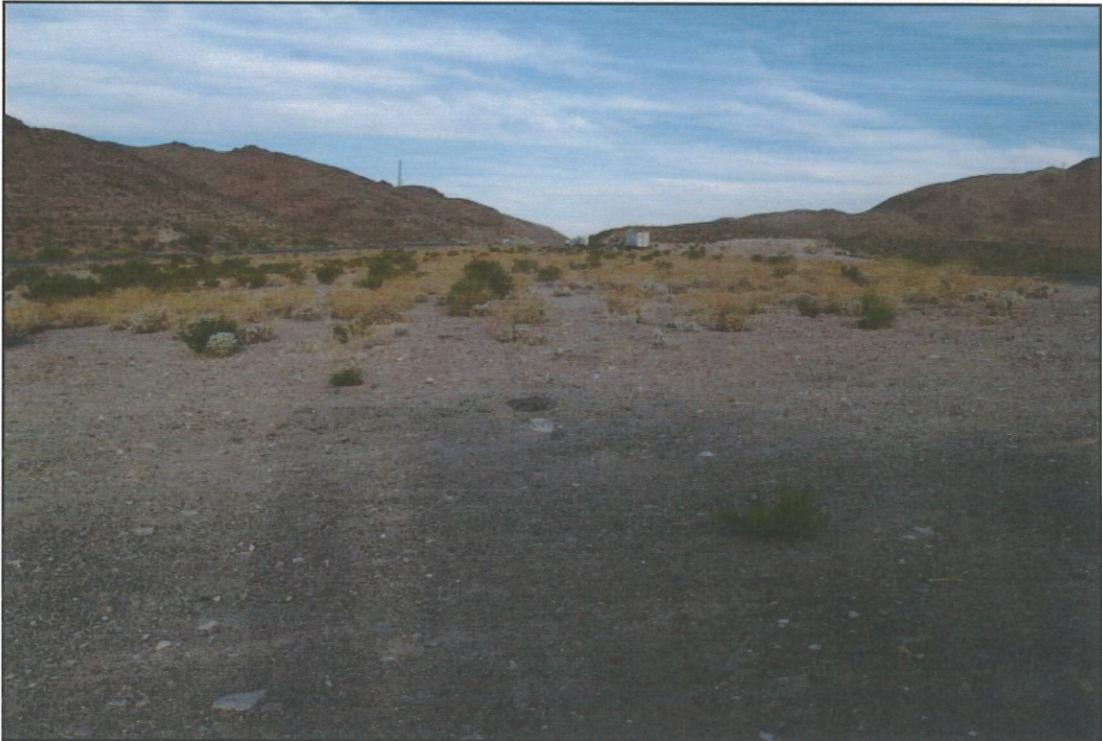


PHOTO 9
Brittle Bush Scrub



PHOTO 10
Recently disturbed area



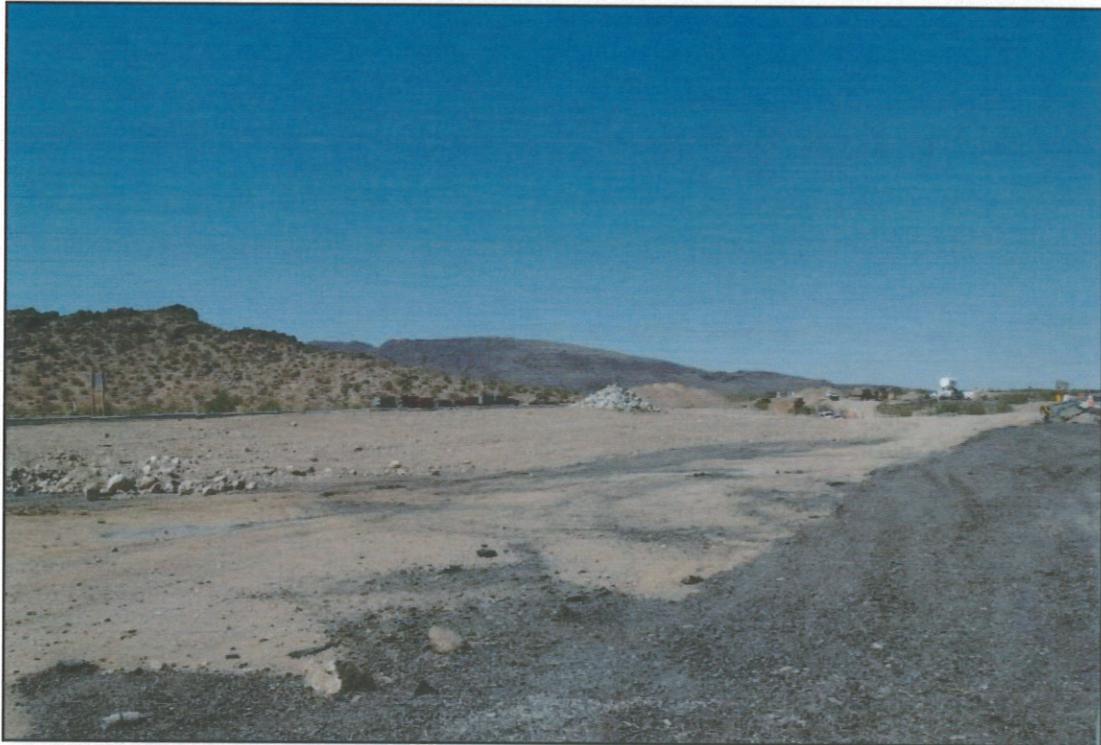


PHOTO 11
Construction activities



PHOTO 12
Permanent disturbance



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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 ¹
<input type="checkbox"/>		Eastern named and unnamed washes	Unvegetated tributary		Cadiz Dry Lake	FRSH, GWR, REC II, WILD,		
		Western named and unnamed washes	Unvegetated tributary		Bristol Dry Lake	FRSH, GWR, REC II, WILD,		

Individual Direct Impact Locations

Table 2: Individual Direct Impact Information											
Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Multiple named and unnamed washes	34° 43' 1.1568" N	115° 44' 2.9904" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary				0.68		5,778
					Permanent				0.57		5,182

¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Compensatory Mitigation Information

Caltrans (Permittee) will complete Permittee-Responsible Compensatory Mitigation for this Project. Provided below are the acreage and conservation requirements for the required mitigation.

The Permittee has agreed to provide compensatory mitigation for the authorized permanent loss of 0.57 acres of desert wash at a 1:1 area replacement ratio. The Permittee will preserve 0.676 acres of non-wetland waters within Assessor’s Parcel Number (APN) 042316182 in San Bernardino County.

Permittee Responsible Compensatory Mitigation Site Information

Table 3: Offsite Permittee-Responsible Compensatory Mitigation ²					
Impact Site ID	Latitude	Longitude	Aquatic Resource Type	Mitigation Method	
				Mitigation Method	Mitigation Quantity
				Acres	Linear Feet
1	33° 47' 28.8168"	-116° 31' 5.3718"	Dry wash	Conservation easement	2

² The mitigation site is analyzed in greater detail in the Project’s IS/MND.

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A. Environmental Review

On August 29, 2018, Caltrans, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2014121092) for the Project and filed a Notice of Determination (NOD) at the SCH on September 10, 2018.

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 the Permittee's adopted environmental document comports with the requirements of CEQA and is valid. (Cal. Code Regs., tit. 14, § 15231.) The Colorado River Basin Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Permittee addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation measures developed by the Permittee 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, § 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts are analyzed in detail in the Project Final IS/MND, which is incorporated herein by reference. The Project IS/MND is available at: 464 West Fourth Street, San Bernardino, California, 92401.

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

C. Findings

The IS/MND describes the potential significant environmental effects to water resources in the IS/MND. 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. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

D. Determination

The Colorado River Basin Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts. (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 Quality Control Board (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 State 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
Report and Notification Requirements

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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.shtml
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.
 - **Part A (Annual Report):** This report will be submitted annually from the anniversary of the Project effective date until a Notice of Project Complete Letter is issued.
 - **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.
 - **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:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: RB7-coloradoriver@waterboards.ca.gov and cc: kai.dunn@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Kai Dunn; Reg. Measure ID: 428512_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

Attachment E

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

Project: I-40 Regrade Median Cross Slopes Project
 WDID 7A363027001

Permittee: California Department of Transportation

Reg. Meas. ID: 428512 **Place ID:** 855651

Order Effective Date: June 3, 2019

Report Type Submitted

Part A – Project Reporting

Report Type 1 **Monthly Report**

Report Type 2 **Annual Report**

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**

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**

Attachment E

"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

¹STATEMENT 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.**

Part A – Project Reporting

Report Type 1	Monthly Report
Report Purpose	Notifies Colorado River Basin Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	On the 15th day of each month until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<ol style="list-style-type: none"> 1. 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 (BMPs¹). If construction has not started, provide estimated start date. 2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. 3. 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. 4. Compliance Summary <ol style="list-style-type: none"> a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. b) List associated monitoring reports for the reporting period. c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. d) Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

¹ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

Report Type 2	Annual Report
Report Purpose	Notify the Colorado River Basin Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the 1st day of September. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<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><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status
Annual Report Topics (1-3)	
Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	<ol style="list-style-type: none"> 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. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below). b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.
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	<ol style="list-style-type: none"> 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.

Attachment E

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

Part B – Project Status Notifications

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

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

Report Type 5	Request for Notice of Project Complete Letter
Report Purpose	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.
When to Submit	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 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.

Attachment E

Part B: Permittee Responsible Compensatory Mitigation

3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.
5. Pre- and post-photo documentation of all compensatory mitigation sites.
6. Final maps of all compensatory mitigation areas (including buffers).

Part C: Post-Construction Storm Water BMPs

7. Date of storm water Notice of Termination(s), if applicable.
8. Report status and functionality of all post-construction BMPs.

Attachment E

Part C – Conditional Notifications and Reports

Report Type 6	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Colorado River Basin Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Colorado River Basin Water Board staff.
Report Contents	<ol style="list-style-type: none"> 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. 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. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 7	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Colorado River Basin Water Board staff that a violation of compliance with water quality standards has occurred.
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 Colorado River Basin Water Board staff.
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 Colorado River Basin Water Board staff.

Report Type 8	Modifications to Project Report
Report Purpose	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.
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.
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.

Report Type 9	Transfer of Property Ownership Report
Report Purpose	Notifies Colorado River Basin Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	<ol style="list-style-type: none"> 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"> 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 b. responsibility for compliance with any long-term BMP² maintenance plan requirements in this Order. 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.

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

² Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.