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Acting Secretary for  
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# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

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Edmund G. Brown Jr.  
Governor

11 March 2011

Jon Galovan  
Pacific Coast Capitol Partners, LLC  
555 California Street, Suite 3450  
San Francisco, CA 94104

**CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY  
CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL  
MATERIALS FOR THE RIVERVIEW PROJECT, (WDID#5B34CR00041)  
SACRAMENTO COUNTY**

This Order responds to your 2 August 2010 application submittal for the Water Quality Certification of a development project impacting approximately 0.08 acre of waters of the State and 0.14 acre of waters of the United States.

**WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERG) license or an amendment to a FERG license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERG license or amendment to a FERG license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. This certification is no longer valid if the project (as currently described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

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5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
  - a. For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
  - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.
  
6. Any person signing a document under Standard Condition number 5 shall make the following certification, whether written or implied:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

***ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:***

In addition to the above standard conditions, Pacific Coast Capitol Partners, LLC shall satisfy the following.:

1. Pacific Coast Capitol Partners, LLC shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities. The notification should include the name of the project and the WDID number, and should be sent to the Central Valley Water Board contact person shown on page 6 of this Certification.
  
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

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3. All areas disturbed by project activities shall be protected from washout or erosion.
4. Pacific Coast Capitol Partners, LLC shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
5. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
6. Pacific Coast Capitol Partners, LLC shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

<b>Parameter</b>	<b>Unit</b>	<b>Type of Sample</b>	<b>Frequency of Sample</b>
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.
Visible construction related pollutants	Observations	Visible Inspections	Continuous throughout the construction period

7. Activities shall not cause turbidity increases in surface water to exceed:
  - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;



- (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be assessed by prior permission of the Central Valley Water Board.

8. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
9. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. Pacific Coast Capitol Partners, LLC shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
10. Pacific Coast Capitol Partners, LLC shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
11. Pacific Coast Capitol Partners, LLC shall comply with all California Department of Fish and Game 1600 requirements for the project.
12. Pacific Coast Capitol Partners, LLC must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board for any project disturbing an area of 1 acre or greater.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project Area.
14. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.
15. The mitigation measures specified in the mitigation monitoring and reporting program for the approved Environmental Impact Report for the project, as they pertain to hydrology and water quality impacts, are included in this Water Quality Certification, as required by California Public Resource Code Section



21081.6 and CEQA Guidelines, California Code of Regulations Section 15097.

16. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and section 401 (d) of the federal Clean Water Act. The applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
  - a. If Pacific Coast Capitol Partners, LLC or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil, for each day of violation, or criminal liability.
  - b. In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require Pacific Coast Capitol Partners, LLC to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - c. Pacific Coast Capitol Partners, LLC shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this certification and determining the ecological success of the project.
17. Pacific Coast Capitol Partners, LLC shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that that the project has been carried out in accordance with the project's description (and any amendments approved). The NOC shall include a map of the project location(s), including final boundaries of any in situ restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.



**ADDITIONAL STORM WATER QUALITY CONDITIONS:**

Pacific Coast Capitol Partners, LLC shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, Pacific Coast Capitol Partners, LLC must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and implemented, as appropriate, before construction;
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. Pacific Coast Capitol Partners, LLC must minimize the short and long-term impacts on receiving water quality from the Riverview Project by implementing the following post- construction storm water management practices and as required by the local agency permitting the project, as appropriate:
  - (a) minimize the amount of impervious surface;
  - (b) reduce peak runoff flows;
  - (c) provide treatment BMPs to reduce pollutants in runoff;
  - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
  - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.



3. Prior to any filling or disturbance of any and all jurisdictional waters on site Pacific Coast Capitol Partners, LLC will submit the Sacramento County and Rancho Murieta Community Service District approved final design of the post construction storm water management plan for the Riverview Project.

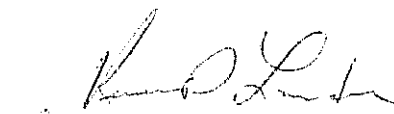
**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Skyler Anderson, Environmental Scientist  
11020 Sun Center Drive #200  
Rancho Cordova, California 95670-6114  
[sanderson@waterboards.ca.gov](mailto:sanderson@waterboards.ca.gov)  
(916) 464-4849

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from the Pacific Coast Capitol Partners, LLC, Riverview Project (WDID# 5B34CR00041) will comply with the applicable provisions of §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") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with Pacific Coast Capitol Partners, LLC's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised September 2009.

  
for Pamela C. Creedon  
Executive Officer

Enclosure: Project Information

cc: See enclosure, page 10



## ***PROJECT INFORMATION***

**Application Date:** 2 August 2010

**Applicant:** Jon Galovan  
PPCP CSGF RB Portfolio, LLC  
555 California Street, Suite 3450  
San Francisco, CA 94104

**Applicant Representatives:** Ginger Fidge  
Gibson & Skordal, LLC  
2277 Fair Oaks Blvd, Suite 105  
Sacramento, CA 95825

**Project Name:** Riverview Project

**Application Number:** WDID# 5B34CR00041

**Type of Project:** Residential Development Project

**Project Location:** Section 2 and 3, Township 7 North, Range 8 East, MDB&M.  
Latitude: 38°29' and Longitude: -121°04'

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Unnamed intermittent tributary to the Cosumnes River and isolated vernal pool and seasonal wetlands, San Joaquin Hydrologic Basin, North Valley Floor Hydrologic Unit #531.11, Herald HSA

**Water Body Type:** Wetlands, Riparian, Streambed

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised September 2009 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD). A comprehensive and specific list of the Beneficial Uses applicable for the project area can be found at [Water Boards Basin Planning](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/) [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

**303(d) List of Water Quality Limited Segments:** None





**Project Description (purpose/goal):** The Riverview Project site is a 50-acre parcel north of Highway 16 and south of the Cosumnes River. The project site is an undeveloped parcel bordered by residential development/golf course on the east, west and south sides, and by the Cosumnes River to the north.

The proposed project includes the construction of 128 residential lots, three open space lots and a water quality detention basin. The proposed project includes construction of two culverted road crossings of an unnamed intermittent tributary to the Cosumnes River. The project will also involve the construction of internal streets that will connect to the existing Reynosa Drive to the west and the Murieta South Parkway to the east.

The project proposes three open space lots which totals 9.8 acres. Two of the open space lots contain avoided jurisdictional features. The third open space lot runs along the northern property boundary, adjacent to the Cosumnes River. The 5.7-acre area will remain undeveloped and act as a buffer between the Riverview development and the river.

The Project site contains both waters of the State and waters of the United States. The Riverview project site consists of 0.29 acre of waters of the State and 0.37 acre of waters of the United States. Waters of the State are comprised of 0.22 acre of vernal pools and 0.07 acre of seasonal wetlands. Waters of the United States are made up of 0.30 acre of wetland swale, 0.03 acre of riparian wetland and 0.04 acre of un-vegetated streambed.

The project has been designed to avoid the majority of impacts to waters of the State and waters of the United States. Minimized impacts include the avoidance of 0.19 acre of wetland swale and 0.21 acre of vernal pools. These avoided features will be placed in open space lots which will be fenced to prevent impacts. The open space lots will be owned and managed by the Rancho Murieta Association.

The project will result in 0.08 acre of permanent impacts to waters of the State, consisting of 0.01 acre of vernal pools and 0.07 acre of seasonal wetland. Additionally, the Riverview Project will permanent impact 0.14 acre of waters of the United States, comprised of 0.04 acre of un-vegetated ditch, 0.03 acre of riparian wetlands and 0.07 acre of wetland swale. In summary, the Riverview Project will result in the permanent fill of 0.22 acre of waters.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity and settleable matter.

**Proposed Mitigation to Address Concerns:** Pacific Coast Capitol Partners, LLC will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction



contours and conditions upon completion of construction activities. Pacific Coast Capitol Partners, LLC will conduct turbidity and settleable matter testing during in-water work, stopping work if the Basin Plan criteria are exceeded or are observed.

**Fill/Excavation Area:** Approximately 1,026 cubic yards of clean fill will be placed into 0.08 acre of waters of the State and 0.14 acre of waters of the United States for a total of 0.22 acre of fill as a result of the Riverview Project.

**Dredge Volume:** None

**U.S. Army Corps File Number:** SPK-2004-00633

**U.S. Army Corps of Engineers Permit Number:** Nationwide Permit #29

**Department of Fish and Game Streambed Alteration Agreement:** Pacific Coast Capitol Partners, LLC applied for a Streambed Alteration Agreement on 29 July 2010.

**Possible Listed Species:** Vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, slender orcutt grass, Sacramento orcutt grass, Cooper's hawk, tri-colored blackbird, burrowing owl, Swainson's hawk, northern harrier, white-tailed kite, bank swallow, western pond turtle, western spadefoot, Bogg's lake hedge-hyssop, legenera.

**Status of CEQA Compliance:** The Sacramento County Department of Environmental Review and Assessment approved the Environmental Impact Report and filed a Notice of Determination on 16 August 2007 (State Clearinghouse Number SCH1991022017).

As a Responsible Agency under California Environmental Quality Act (CEQA), the Central Valley Water Board reviewed the Environmental Impact Report and found that impacts to water quality were adequately addressed. Through implementation of Low Impact Development measures and mitigation at a minimum 1:1 ratio level, impacts to water quality will be mitigated to a less than significant level. Mitigation for impacts to water quality is discussed in the "Proposed Mitigation to Address Concerns" section above, and the "Compensatory Mitigation" section below.

Sacramento County found that all other impacts to water quality were less than significant. With regard to the remaining impacts identified in the Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of another public agency, and not within the jurisdiction of the Central Valley Water Board. Such impacts and mitigation measures do not relate to water quality or related nuisance, and therefore fall outside of the Central Valley Water Board's jurisdiction.



**Compensatory Mitigation:** Pacific Coast Capitol Partners, LLC will pay fees totaling \$30,800 as required by the Army Corps of Engineers and dedicate 0.22 acre of Floodplain Mosaic Wetlands to the Westervelt Ecological Services.

**Application Fee Provided:** Total fees of \$4,632.00 have been submitted to the Central Valley Water Board as required by 23 CCR §3833b (3)(A) and by 23 CCR §2200(e).



***DISTRIBUTION LIST***

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