



Central Valley Regional Water Quality Control Board

WATER QUALITY ORDER NO. R5-2024-XXXX WASTE DISCHARGE REQUIREMENTS

Effective Date: XX April 2024

Expiration Date: XX April 2029

Reg. Meas. ID:	454506
Place ID:	890552
WDID No.:	5B39CR00390

Program Type: Fill/Excavation

Project Type: Channel Construction and Maintenance

Project: SFPUC's San Joaquin Pipeline Valve & Safety Improvements:
Phase 3 - Tesla Surge Tower Project (Project)

Applicant: San Francisco Public Utilities Commission

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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FINDINGS

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

1. **Application:** The Central Valley Water Board received an application from Jimmy Leong (Permittee) on 26 September 2023. These Waste Discharge Requirements (Order) are for the purpose described in the application and supplemental information submitted by the Permittee. The application was deemed complete on 23 October 2023.
2. **Project Description:** Project activities consist of constructing the following facilities at the Tesla Portal site: A new surge shaft pipeline that extends from the Tesla Treatment Facility inlet pipe to the new surge shaft, A new water recirculation system to address stagnant water inside the new surge pipeline, A new surge shaft with a concrete base and apron for support of the structure and for directing overflows to the new spillway, A new concrete spillway channel that connects to the existing spillway at the Tesla Treatment Facility, A new gravel access road parallel to the new pipeline, and Replace two culverts and perform drainage improvements within the project footprint.
3. **Project Location:**
Address: 9000 Vernalis Road
County: San Joaquin
Assessor's Parcel Number(s): 25316002
Nearest City: Tracy
Latitude: 37°38'05.7" and Longitude: -121°38'03.0"
A map showing the Project location is found in Attachment A of this Order.
4. **Project Impact, Receiving Waters, and Beneficial Uses:** Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.
5. **Description of Direct Impacts to Waters of the State:** Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are

categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.04		1,020

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

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

7. **Fees Received:** An application fee of \$2,734.00 was received on 2 October 2023. The fee amount was determined as required by California Code of Regulations, title 23, section 2200(a)(3) and was calculated as Category E - Low Impact Discharges (Fee Code 87).
8. **Avoidance and Minimization:** No alternatives analysis is required because the project includes discharges to waters of the state outside of federal jurisdiction, but the entire project would meet the terms and conditions of one or more Water Board-certified Corps' General Permits, including any Corps District's regional terms and conditions, if all discharges were to waters of the U.S. The permitting authority will verify that the entire project would meet the terms and conditions of the Corps'

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

General Permit(s) if all discharges, including discharges to waters of the state outside of federal jurisdiction, were to waters of the U.S. based on information supplied by the applicant.

According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

The SFPUC will establish and implement written operational criteria for the Alameda Creek Diversion Dam that directs that the diversion dam and tunnel shall be operated to pass flows down Alameda Creek when diversion of those flows is not required to maintain desired levels in Calaveras Reservoir in order to provide the maximum possible days of winter and spring flows in Alameda Creek below the diversion dam. This measure reinforces the way the SFPUC generally operates the diversion tunnel now: that diversion gates are closed in the spring once desired Calaveras Reservoir storage have been reached. However, at times additional flows have been diverted from Alameda Creek after reservoir storage levels have been achieved such that the "excess" water has subsequently been released from the reservoir to maintain the appropriate water level. This measure would formalize Alameda Creek diversion procedures to maintain flows in Alameda Creek to the extent they are not needed to achieve required reservoir storage. This measure would reduce the flow reduction impact but not to a level that is less than significant.

9. **Compensatory Mitigation:** No compensatory mitigation was required because there are no permanent impacts.
10. **Basin Plan:** Receiving waters potentially impacted by this Project are protected in accordance with the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition*, rev. February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's (State Water Board) Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.
11. **Waste Discharge Requirements:** This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides, in pertinent part, the following:

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

Compliance with section 13263, subdivision (a), including implementation of the Basin Plan, is discussed below. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

12. **Antidegradation Policy:** State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Antidegradation Policy), requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained.
13. **No Net Loss Policy:** Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective to ensure no overall net loss of and a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California (No Net Loss Policy). The State Water Resources Control Board and Regional Water Quality Control Boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.
14. **Compliance with Antidegradation and No Net Loss Policies:** Projects that include permanent fill of wetlands and other waters cause partial or complete loss of the beneficial uses provided by those waters. These measures ensure impacts are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.
15. **Monitoring and Reporting Requirements:** The monitoring and technical reporting provisions in this Order are adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides, in pertinent part, the following:

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

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

16. **California Environmental Quality Act (CEQA):** On August 25, 2008, the City and County of San Francisco, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2007052109) for the Project and filed a Notice of Determination (NOD) at the SCH on January 7, 2009. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.
17. **Liability for Noncompliance:** Failure to comply with this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee may then be subject to administrative and/or civil liability pursuant to Water Code sections 13268 and/or 13350. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.
18. **Additional Monitoring and Reporting:** In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
19. **Construction General Permit:** This Order does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2022-0057-DWQ, as amended.
20. **Endangered Species Act:** This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
21. **Public Notice:** This Order was publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5.

22. **Public Hearing:** At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.
23. **Petitions for Reconsideration:** Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request. [State Water Resources Control Board Law and Regulations for Filing Petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

REQUIREMENTS

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

A. Scope

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

B. Reporting and Notification Requirements

1. Requirements for the content of the below reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project, which is incorporated herein by reference.
2. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative. The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID No. Documents that are 50 MB or larger may be uploaded to an approved database or transferred to a disk and mailed to the Central Valley Water Board Contact.
3. **Project Reporting**
 - a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the **1st day of each month** beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
 - b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the **1st day of May beginning one year after the effective date of the**

Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

4. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID#) issued under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

5. Conditional Notifications and Reports

- a. **Accidental Discharges of Hazardous Materials²**

² "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, section 25501.)

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
 - Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
 - ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
 - iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions:**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
 - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Project Modifications:** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to

Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the Project Deviation section of this Order.

- e. Transfer of Property Ownership and Long-Term Best Management Practices (BMPs) Maintenance:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
 - ii. If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility. Until such time as this Order has been modified to name the transferee as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

C. Water Quality Monitoring

1. General:

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

- a. when performing any in-water work;
- b. during the entire duration of temporary surface water diversions;
- c. in the event that the Project activities result in any materials reaching surface waters; or

- d. when any activities result in the creation of a visible plume in surface waters.
- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- 3. In-Water Work or Diversions:**
- a. For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Central Valley 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.
 - b. During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality objectives:
 - i. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
 - ii. Activities shall not cause turbidity increases in surface water to exceed the following:
 - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.
- In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.
- c. Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling

parameters.³ The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

- d. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and the remaining In-Water Work and Diversion Water Quality Monitoring shall be submitted with the Request for Notice of Completion of Discharges letter.
- e. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in Section C.3.
- f. If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks on initiation of in-water construction, and every two weeks thereafter.

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

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants ⁴	Observations	Visual Inspections	Continuous throughout the construction period

g. Post-Construction: The Permittee is required to visually inspect the Project site during the rainy season for one year following completion of active Project construction activities to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 6 commencing with sections 2050-2068, inclusive. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)
2. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
3. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plan of the Central Valley Water Board or any State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. **Mitigation Monitoring and Reporting Program (MMRP):** The Permittee shall adhere to all requirements in the Mitigation Monitoring and Reporting Program

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

(MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

E. Administrative

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

F. Construction

1. **Dewatering:**
 - a. If water is present, the area must be dewatered prior to start of work.
 - b. No dewatering will occur within the Project area.
 - c. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
 - d. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water. The Permittee shall work with the Central

Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

G. Directional Drilling: Not Applicable

1. Dredging: Not Applicable

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

3. Good Site Management "Housekeeping":

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

b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway.

c. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

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

4. Toxic and Hazardous Materials:

a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in Sections B.5.a and B.5.b.

b. No wet concrete will be placed into stream channel habitat.

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

6. Post-Construction Storm Water Management: Not Applicable

7. Roads:

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

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

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

d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the Permittee shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

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

8. Sediment Control:

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

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

9. Stabilization/Erosion Control:

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

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

H. Site Specific- Not Applicable

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

J. Mitigation for Temporary Impacts:

1. The Permittee shall restore all areas of temporary impacts to waters of the state in accordance with the Restoration plan and incorporated herein by reference. The restoration plan shall provide the following: a schedule, plans for grading of disturbed areas to pre-project contours, planting palette with plant species native to the Project area, seed collection location, invasive species management, performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).
2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.
4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Required Project Mitigation Quantity for Temporary Impacts by Method

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

K. Compensatory Mitigation for Permanent Impacts: Not Applicable L. Project Deviation

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

CERTIFICATION

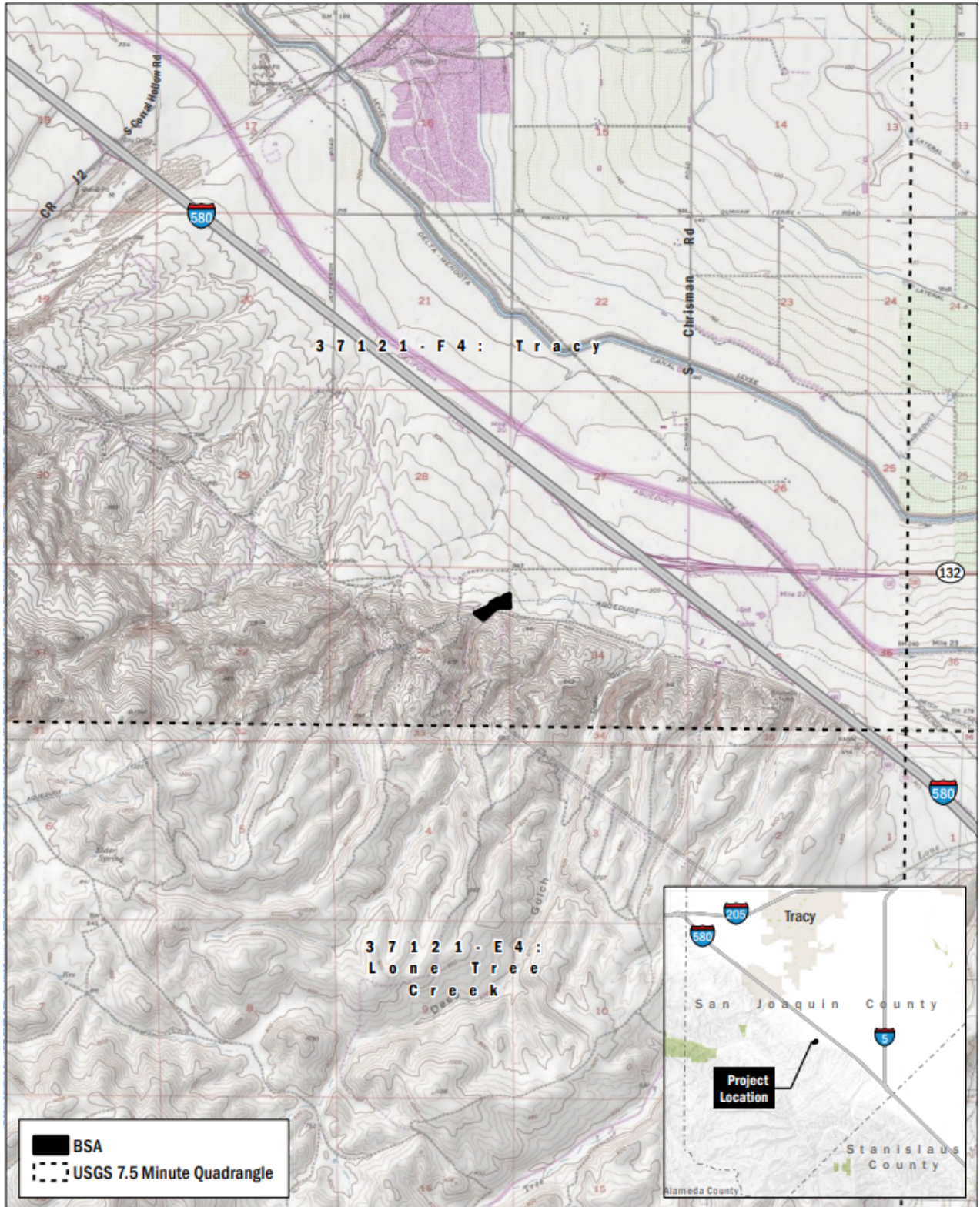
I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of Waste Discharge Requirements Order R5-2024-XXXX adopted by the Central Valley Water Board on XX April 2024.

PATRICK PULUPA
Executive Officer
Central Valley Regional Water Quality Control Board

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

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Figure 1: Location Map



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Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses
Yes	Unnamed Ephemeral Drainage	Unnamed Ephemeral Drainage	Stream Channel	541.10	Deep Gulch	

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Unnamed Ephemeral Drainage	37°38'05.7"	-121°38'03.0"	No	0.04		1,020

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A. Environmental Review

On 25 August 2008, the City and County of San Francisco, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2007052109) for the Project and filed a Notice of Determination (NOD) at the SCH on 26 January 2009. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that City and County of San Francisco's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by City and County of San Francisco addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by City and County of San Francisco for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

The [Program Environmental Impact Report \(EIR\)](https://ceqanet.opr.ca.gov/2007052109/2), which includes analyses of broad impacts and serves as a first-tier document for the FEIR, is available at: (<https://ceqanet.opr.ca.gov/2007052109/2>).

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. [The Project FEIR](https://ceqanet.opr.ca.gov/Project/2007052109) is available at: (<https://ceqanet.opr.ca.gov/Project/2007052109>).

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

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

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings: (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (a)(1).)

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

a.i. Potential Significant Impact:

- Impacts on wetlands and aquatic resources (construction-related and operational impacts)
- Impacts to sensitive habitats, common habitats and heritage trees
- Impacts on special status species, direct mortality and/ or habitat effects.

a.ii. Facts in Support of Finding:

Mitigation Measure 4.6-1a – Participate in the SJMSCP: Prior to the commencement of construction activities, SFPUC shall coordinate with the Joint Powers Authority (JPA) Technical Advisory Committee (TAC), implement relevant ITMMs for applicable species (as identified in Mitigation Measures 4.6-3b through 4.6-3l) and pay any necessary fees to fund offsite compensation under the terms of the SJMSCP to provide replacement values that are equal to that of the permanent loss of 3.2 acres of California annual grasslands and 0.01 acre of ruderal/disturbed land, and temporary impacts to 11.72 acres of California annual grassland and 0.96 acre of ruderal/disturbed land, and incidental take authorization for special-status species.

Mitigation Measure 4.6-1b – Implement Best Management Practices to Protect the Artificial Wetland and Ephemeral Drainage: SFPUC shall implement Best Management Practices to ensure that natural flow is maintained in the ephemeral drainage during and after construction of the pipeline at the ephemeral drainage. Natural flow will be maintained by restricting construction to the dry season (e.g., April 15 – October 15) or by diverting water around the construction area (e.g., a dam and a pump) or through the construction area (e.g., a culvert) in the ephemeral drainage during the wet season (e.g., October 16 – April 14). The drainage channel will be restored and recontoured to preexisting conditions after construction. In addition, prior to the start of staging, ground disturbing activities, or large-scale materials off-haul or delivery, SFPUC shall require the contractor to implement the following actions intended to avoid or reduce indirect and direct impacts on the ephemeral drainage at the Tesla Portal site.

- SFPUC or its contractor(s) shall install appropriate erosion control (e.g., certified weed free straw bales, silt fencing, straw wattles, erosion and sediment control fabric) at the pipeline crossing and the intersections of the road and the ephemeral drainage to minimize potential for increased sedimentation and turbidity.

- SFPUC shall prohibit its contractor(s) from refueling, washing, and repairing equipment in and near (i.e., within at least 25 feet) the ephemeral drainage at the Tesla Portal project site.
- SFPUC shall require fencing of the artificial wetland and ephemeral drainage (e.g., temporary construction "orange mesh" fencing or silt fencing) adjacent to the footprint of the pipeline crossing and the access road crossing and shall require signage to be placed at the sites indicating that it is a restricted area.
- SFPUC shall require its contractor(s) to stay out of the fenced and signed area.
- SFPUC shall require its contractor(s) to limit vehicle speeds to 15 mph on unpaved roads in the vicinity of the fenced areas of the artificial wetland and ephemeral drainage to prevent dust effects.
- SFPUC shall also require its contractor(s) to control dust (i.e., stabilization of dust emissions using water or chemical stabilizer/suppressant) along the existing access road leading to the Tesla Portal project site (including the area at the intersection with the artificial wetland), as required to control dust (refer also to Mitigation Measure 4.9-1a, SJVAPCD Dust Control Measures).

Mitigation Measure 4.6-2 – Return Site to Pre-Construction Condition:

Vegetation removal and soil disturbance shall be limited to the minimum amount necessary for project implementation, especially where the existing access road comes near the artificial wetland, and where the proposed pipeline would cross both the artificial wetland and the ephemeral drainage. Where soils are disturbed and/or vegetation removed on the project site, such as in the construction staging area, the site shall be returned to pre-project conditions (i.e., return site contours to pre-project profiles, restore original grades where possible, lightly compact loose soils or aerate compacted soils) where necessary. Where grading occurs, 12 inches of topsoil shall be salvaged and respread in graded areas as appropriate. When natural vegetation is disturbed, small areas (e.g., less than 100 square feet in size) shall be allowed to re-vegetate passively, while larger disturbed areas (e.g., more than 100 square feet in size or in areas prone to erosion such as sloped areas) shall be re-seeded with locally available native grasses and forbs (as needed).

Mitigation Measure 4.6-3a – Worker Awareness Program: Prior to the commencement of construction activities, a qualified biologist shall conduct a worker awareness program (environmental education) to inform project workers of the sensitive habitat and species potentially found onsite and their responsibilities with regards to protecting those sensitive biological resources.

Mitigation Measure 4.6-3b – Conduct Pre-Construction Surveys for San Joaquin Whipsnake and California Horned Lizard:

Prior to the start of construction, a qualified biologist shall conduct San Joaquin whipsnake surveys, and surveys for California horned lizard. These species are of very limited distribution within San Joaquin County, primarily isolated locations outside of anticipated development areas. Therefore, if discovered on a project site and prior to ground disturbance, ITMMs shall be formulated by the SJMSCP TAC and approved by the San Joaquin Council of Governments (SJCOG) with the concurrence of the Permitting Agencies' representatives on the TAC. ITMMs may consist of preconstruction surveys, avoidance techniques and/or buffer areas.

Mitigation Measure 4.6-3c – Implement Incidental Take Minimization

Measures for San Joaquin Kit Fox: SFPUC shall implement the ITMMs identified for the San Joaquin kit fox under the SJMSCP to reduce the level of impact on the San Joaquin kit fox. Mitigation measures defined by the SJMSCP and the USFWS to protect the San Joaquin kit fox.

Mitigation Measure 4.6-3d – Conduct Pre-Construction Surveys to Determine Presence/Absence of San Joaquin Pocket Mouse:

Prior to the start of construction activities, a qualified biologist shall conduct surveys to determine the presence or absence of San Joaquin pocket mouse. If the species is not found, then no other mitigation is required. If the species is found in or near potential work areas, the SFPUC will coordinate with the SJMSCP TAC to formulate avoidance measures, such as buffer areas and limiting the time and extent of construction activities.

Mitigation Measure 4.6-3e – Breeding Season Surveys:

Measures to avoid and minimize impacts on the western burrowing owl will be implemented as described below: If project schedule permits, a qualified biologist will survey for burrows and burrowing owls during the breeding season (February 1 to August 31), immediately preceding construction. Surveys will be conducted within 500 feet of the project boundary (access permitting) in accordance with the California Burrowing Owl Consortium (1993) guidelines or as otherwise determined by CDFW. Burrows would be inspected for signs of owl activity (tracks, pellets, feathers, etc.). The locations of burrowing owl sightings, occupied burrows, and burrows with signs of owl activity will be marked on a map of the project area at a scale sufficient to accurately show the distance of active burrows to the limits of construction.

Surveys will be conducted on at least four separate dates during the breeding season in areas where suitable burrows are present. If possible, surveys will be conducted during the peak of the burrowing owl breeding season, generally between April 15 and July 15. If occupied owl burrows are found within the

survey area, a determination will be made by a qualified biologist, in consultation with CDFW, as to whether work will affect the occupied burrows or disrupt reproductive behavior. If it is determined that construction will not affect occupied burrows or disrupt breeding behavior, construction will proceed without any restrictions or mitigation measures.

Mitigation Measure 4.6-3f – Winter Surveys: Measures to avoid and minimize impacts on the western burrowing owl will be implemented as described below. If birds are not observed during breeding season surveys, or if breeding season surveys are infeasible due to project scheduling, or if construction will occur during the wintering season, a winter survey will be conducted to identify non-breeding residents of the project site. Winter surveys will be conducted within 500 feet of the project site (access permitting) or as otherwise determined by CDFW during the period when wintering owls are most likely to be present (December 1 to January 31). The locations of burrowing owl sightings, occupied burrows, and burrows with signs of owl activity will be marked on a map of the project area at a scale sufficient to accurately show the distance of active burrows to the limits of construction.

If occupied owl burrows are found within the survey area, a determination will be made by a qualified biologist, in consultation with CDFW, as to whether or not work will affect the occupied burrows. If it is determined that construction will not affect occupied burrows, construction will proceed without any restrictions or mitigation measures. If it is determined that construction will affect occupied burrows, the subject owls will be passively relocated from the occupied burrow(s) using one-way doors prior to the onset of breeding season.

Owls will be encouraged to relocate to alternate burrows that are at least 160 feet from the construction limits. One alternate natural or artificial burrow for each burrow excavated will be in place at least one week before one-way doors are installed on occupied burrows. One-way doors will be in place for a minimum of 48 hours before burrows are excavated.

Mitigation Measure 4.6-3g – Fall Surveys: Measures to avoid and minimize impacts on the western burrowing owl will be implemented as described below:

- If surveys must be conducted between September 1 and November 30 (which is outside of the time windows specified above), a qualified biologist will conduct a survey for burrows and burrowing owls no more than thirty (30) days prior to ground disturbing activity.
- If necessary, resident owls will be passively relocated from occupied burrows, as described above. If construction activities are still ongoing beyond November 30, then winter surveys will be conducted during December and January.

Mitigation Measure 4.6-3h – Conduct Pre-Construction Surveys for

Swainson's Hawk: A qualified biologist shall conduct a preconstruction survey for Swainson's hawk, prior to the commencement of any ground disturbing construction activities (e.g., grass/vegetation/brush/tree removal, soil excavation, grading, vehicle access, staging of materials or vehicles, large scale materials off-haul or delivery, construction of temporary or permanent access roads). In the case that Swainson's hawks are found nesting in the area, the SFPUC will notify CDFW. At a minimum the following mitigations regarding Swainson's hawk, as listed from the SJMSCP, will be implemented:

If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. If any nest trees need to be removed, they may be removed between September and February 15, when the nests are unoccupied. The following two measures will also be implemented: If any unoccupied nests are found during preconstruction surveys, these nests may be removed when the nests are unoccupied.

If any occupied nests are found during preconstruction surveys, then all construction activities shall remain at a distance of ¼ mile (1,320 feet), unless CDFG agrees to other equally effective measures (e.g., monitor occupied nest during construction in the buffer zone, limit hours of construction, restrict construction activities, etc).

Mitigation Measure 4.6-3i – Implement Incidental Take Minimization

Measures for White-Tailed Kite: SFPUC shall implement the ITMM identified for the white-tailed kite under the SJMSCP, which consists of the following: A qualified biologist shall conduct preconstruction surveys and investigate all potential nesting trees on the project site (e.g., especially tree tops 15-59 feet above the ground in oak, willow, eucalyptus, cottonwood, or other deciduous trees), during the nesting season (February 15 to September 15) whenever white-tailed kites are noted on site or within the vicinity of the project site during the nesting season. If the species is found nesting, a setback of 100 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests, unless CDFW agrees to other equally effective measures (e.g., monitor occupied nest during construction in the buffer zone, limit hours of construction, restrict construction activities, etc.) and CDFG shall be notified of the proposed buffer zone. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

Mitigation Measure 4.6-3j – Implement Incidental Take Minimization

Measures for California Horned Lark and Northern Harrier: SFPUC shall implement the ITMM identified for the California horned lark and northern harrier under the SJMSCP, which consists of the following: A qualified biologist shall conduct a preconstruction survey and investigate all potential nesting trees to determine the presence or absence of the species on the project site. If species are found, a setback of 500 feet from nesting areas shall be established and maintained during the nesting season (February 16 – August 31) for the period encompassing nest building and continuing until fledglings leave nests, unless CDFW agrees to other equally effective measures (e.g., monitor occupied nest during construction in the buffer zone, limit hours of construction, restrict construction activities, etc.), or offsite compensation shall be provided, and CDFW shall be notified of the proposed buffer zone. If a setback is used, this setback would apply whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

Mitigation Measure 4.6-3k – Conduct Pre-Construction Surveys for

Golden Eagle: Prior to the start of construction, a qualified biologist shall conduct golden eagle surveys as required by the SJMSCP. Additionally, SFPUC shall implement the ITMM identified for the golden eagle under the SJMSCP, which consists of the following: When a site inspection indicates the presence of a nesting golden eagle, CDFW will be notified and a setback of 500 feet from the nesting area shall be established and maintained during the nesting season (normally approximately February 1 – June 30) for the period encompassing nest building and continuing until fledglings leave nests, unless CDFW agrees to other equally effective measures (e.g., monitor occupied nest during construction in the buffer zone, limit hours of construction, restrict construction activities, etc.). This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

Mitigation Measure 4.6-3l – Conduct Pre-Construction Surveys for

Ferruginous Hawk and Prairie Falcon: Prior to the start of construction, a qualified biologist shall conduct surveys for ferruginous hawk and prairie falcon as required by the SJMSCP. These species currently do not nest in San Joaquin County and are not expected to nest in the County over the life of the SJMSCP. Therefore, in the highly unlikely event that one of these species is found nesting on a project site, SFPUC shall notify CDFW of the proposed buffer zone and a setback of 500 feet from the nesting area shall be established and maintained for the period encompassing nest building and continuing until fledglings leave the nests, unless CDFW agrees to other

equally effective measures. ITMMs shall be formulated prior to ground disturbance by the TAC and approved by the JPA with the concurrence of the Permitting Agencies' representatives on the TAC in accordance with the SJMSCP's Adaptive Management Plan. ITMMs may consist of preconstruction surveys, avoidance techniques, and buffer areas.

D. Determination

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

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REPORTS AND NOTIFICATION REQUIREMENTS

I. Copies of this form

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

A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. (See your Order for specific reports required for your Project)

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

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

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Sara.Gevorgyan@waterboards.ca.gov
- Include in the subject line of the email:
ATTN: Jenna Yang; Project Name; and WDID No. 5B39CR00390

III. Definition of Reporting Terms

- A. Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
- B. Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period.
- C. Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
- D. Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
- E. Effective Date:** XX April 2024

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

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

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- B. Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

V. Report and Notification Cover Sheet

Project: SFPUC's San Joaquin Pipeline Valve & Safety
Improvements: Phase 3 - Tesla Surge Tower Project

Permittee: San Francisco Public Utilities Commission

WDID: 5B39CR00390

Reg. Meas. ID: 454506

Place ID: 890552

Order Effective Date: XX April 2024

Order Expiration Date: XX April 2029

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report
Report Type 2 Annual Report

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

Print Name¹

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.**

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** -
 - i. Construction Summary

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

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

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

2. Report Type 2 - Annual Report

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

During the Active Discharge Period

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

During the Post-Discharge Monitoring Period

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

- i. Annual Report Topic 1 - Construction Summary

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

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

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

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

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

Report Contents -

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

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

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

1) Part A. Permittee Responsible

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

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

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

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

- a. **Report Purpose** - Notify Central Valley Water Board staff prior to the start of construction.
- b. **When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
- c. **Report Contents** -
 - i. Date of commencement of construction.

- ii. Anticipated date when discharges to waters of the state will occur.
- iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
- iv. Construction Storm Water General Permit WDID No.
- v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

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

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

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

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

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

C. Part C – Conditional Notifications and Reports

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

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

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

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

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

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

4. Report Type 9 - Modifications to Project Report

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

5. Report Type 10 - Transfer of Property Ownership Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
- b. When to Submit** - At least 10 working days prior to the transfer of ownership.
- c. Report Contents** -
 - i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
 - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
 - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
 - ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

- a. Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
- b. When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.
- c. Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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SIGNATORY REQUIREMENTS

All documents submitted in compliance with this Order shall meet the following signatory requirements:

- A.** All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
 - 1.** For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - 2.** For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - 3.** For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

- B.** A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - 1.** The authorization is made in writing by a person described in items 1.a through 1.c above.
 - 2.** The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - 3.** The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

- C.** Any person signing a document under this section shall make the following certification:

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

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PROJECT DEVIATION PROCEDURES

I. Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Project Deviation, as defined in Section XIV.M of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

- A. Who may apply:** The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.
- B. How to apply:** By letter or email to the Water Quality Certification Unit staff designated as the contact for this Order.
- C. Project Deviation Request:** The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Project Deviation, as opposed to requiring an amendment to the Order. The request should:
1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Project Deviation is necessary for the Project.
 2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
 3. Provide all updated environmental survey information for the new impact area.
 4. Provide a map that includes the activity boundaries with photos of the site.
 5. Provide verification of any mitigation needed according to the Order conditions.
 6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.).

D. Post-Discharge Project Deviation Reporting:

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

E. Annual Summary Deviation Report:

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