
Colorado River Basin Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Effective Date: July 29, 2025

Program Type: Restoration

Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: Center and West Ponds Expansion Project

Regulatory Measure ID: 460783

WDID: 7A133189001

Place ID: 900859

U.S. Army Corps of Engineers File No.: SPL-2025-00038

Applicant: California Department of Water Resources

Applicant Contact: Megan Giglini
Program Manager
Salton Sea Restoration Office
715 P Street, 8th Floor
Sacramento, CA 95814
Phone: (916) 707-0338
Email: Megan.Giglini@water.ca.gov

Applicant's Agent: Vivien Maisonneuve
Section Manager
Salton Sea Restoration Office
715 P Street, 8th Floor
Sacramento, CA 95814
Phone: (916) 653-5791
Email: Vivien.Maisonneuve@water.ca.org

Regional Water Board Staff: Logan Raub
Senior Environmental Scientist
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
Phone: (760) 776-8966
Email: Logan.Raub@waterboards.ca.gov

Colorado River Basin Water Board Contact Person:

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

Table of Contents

I.	Order Summary	4
II.	Public Notice.....	4
III.	Project Purpose	4
IV.	Project Description.....	4
V.	Project Location	5
VI.	Project Impact and Receiving Waters Information	5
VII.	Description of Direct Impacts to Waters of the State	5
VIII.	Avoidance and Minimization	6
IX.	Compensatory Mitigation	6
X.	California Environmental Quality Act (CEQA).....	6
XI.	Petitions for Reconsideration	7
XII.	Fees Received.....	7
XIII.	Conditions.....	7
XIV.	Water Quality Certification	21
Attachment A		
	Project Maps	22
Attachment B		
	Receiving Waters, Impact, and Mitigation Information	26
Attachment C		
	CEQA Findings	29
Attachment D		
	Signatory Requirements.....	30
Attachment E		
	Reporting and Notification Requirements.....	31
Attachment F		
	Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)	45

I. Order Summary

This Clean Water Act Section 401 Water Quality Certification (Order) is issued at the request of the California Department of Water Resources (Permittee) for the Center and West Ponds Expansion Project (Project). This Order is for the purpose described in the application for this Order and supplemental information submitted by the Permittee. The initial application was received on April 1, 2025. Additional items required for a complete application were requested on April 28, 2025 and received on May 2, 2025. The application was deemed complete on May 6, 2025.

II. Public Notice

The Colorado River Basin Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from May 2, 2025 to May 23, 2025. The Colorado River Basin Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project builds upon the Salton Sea Species Conservation Habitat (SCH) Project and aims to further restore habitats, improve water quality, and reduce dust emissions along the southern shore of the Salton Sea. This Project supports the Salton Sea Management Program Phase 1: 10-Year Plan in addressing regional air quality and ecological threats, and is categorized as an Ecological Restoration and Enhancement Project (EREP).

IV. Project Description

The Project will restore and enhance approximately 4,494 acres of shallow and open water habitat and improve ecosystem functions in and near the Salton Sea. Three ponds and multiple habitat features will be constructed on the currently dry exposed lakebed, within existing wetlands, and in open water. Berms and levees will be constructed to provide access around the Project, retain water for creating ponds, and manage flooding. The base of the berms will be up to 60 feet wide, and each berm will include a 20-foot wide access road on top. Water will flow between ponds and discharge to the Salton Sea by gravity through flow control structures. Each pond will include aquatic features such as swales, channels, islands, and aquatic vegetation to provide habitat for fish and invertebrate species. A 20-foot wide by 100-foot long boat ramp will be constructed in each pond for operations and maintenance. A 293-acre mega island, several smaller islands, and a predator deterrence channel will be created to provide safe habitat for bird loafing, foraging, breeding, and nesting. Borrow material for constructing berms, levees, and islands will be sourced from the Project area and the adjacent SCH project area. Operations and maintenance of the Project will occur as part of the SCH project. Existing SCH project staging areas, access roads, water supply infrastructure, and sedimentation basins will be utilized. The Project is planned to begin in late 2025 and will require approximately 3 years to complete.

V. Project Location

The Project site is located in Imperial County, along the southern shore of the Salton Sea. The Project address is 6140 Poe Road, Brawley, California 92227. The center of the Project is near latitude 33.1433333° and longitude -115.7186111°. Maps showing the Project location are included in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Colorado River Basin Water Board. Receiving waters and groundwater potentially impacted by the Project are protected in accordance with the [Water Quality Control Plan for the Colorado River Basin Region](http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/) (www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/) (Basin Plan) and other [Plans and Policies](http://www.waterboards.ca.gov/plans_policies/) (www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing, intermittent, and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact locations and quantities are in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the State

The Project will discharge 4,101,454 cubic yards of fill to the Salton Sea and 11,438 cubic yards of fill to wetlands near the Salton Sea resulting in 334 acres of permanent impacts to waters of the U.S./state. The Project will temporarily impact 40 acres of waters of the U.S./state within the Salton Sea and nearby wetlands.

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

Temporary Impact ¹	Permanent Impact - Physical Loss of Area
40 acres (7,052 linear feet)	334 acres (80,669 linear feet)

VIII. Avoidance and Minimization

A Tier 3 alternatives analysis was performed according to Section 404(b)(1) Guidelines and submitted with the Project's Clean Water Act Section 404 Letter of Permission application. The alternatives analysis demonstrated that the Project is the Least Environmentally Damaging Practicable Alternative (LEDPA), and all appropriate and practicable steps have been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem.

IX. Compensatory Mitigation

No compensatory mitigation is required since the Project is an Ecological Aquatic/Stream/Habitat Restoration Project (EREP). The Project will result in a net enhancement in aquatic resource functions and beneficial uses.

X. California Environmental Quality Act (CEQA)

The California Natural Resources Agency, as lead agency, certified a Final Environmental Impact Report (EIR) (State Clearinghouse No. 2010061062) for the Salton Sea Species Conservation Habitat Project and filed a Notice of Determination at the State Clearinghouse on August 5, 2013. On November 27, 2017, the California Natural Resources Agency approved a CEQA addendum to the Final EIR and filed a Notice of Determination with the State Clearinghouse. This CEQA addendum updated the Salton Sea Species Conservation Habitat Project Final EIR to include the Salton Sea Management Program Phase I 10-Year Plan which includes the Center and West Ponds Expansion Project. The Colorado River Basin Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

¹ Includes only temporary direct impacts to waters of the state and does not include areas 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.

XI. Petitions for Reconsideration

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

XII. Fees Received

An application fee of \$1,123 was received on May 2, 2025. The fee amount was determined as required by the California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and were calculated as a Category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

XIII. Conditions

The Colorado River Basin Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed(s) of the Project. This Order provides reasonable assurance that the Project authorized under this Order will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

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

B. Reporting and Notification Requirements

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

1. Project Reporting

a. Monthly Reporting:

The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15th day of each month. Monthly reporting shall continue until this Order is terminated by vote of the Colorado River Basin Water Board and Colorado River Basin Water Board staff issue a Notice of Project Complete Letter.

b. Annual Reporting:

The Permittee shall submit an Annual Report to the Colorado River Basin Water Board each year on the 1st of September for activities conducted during the previous fiscal year (July 1-June 30). Annual Reports must be submitted even if Project construction has not begun. Annual reporting shall continue until this Order is terminated by vote of the Colorado River Basin Water Board and Colorado River Basin Water Board staff issue a Notice of Project Complete Letter.

2. Project Status Notifications

a. Commencement of Construction:

The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to the start of initial ground disturbance activities.

b. 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. This request shall be submitted to Colorado River Basin Water Board staff within 30 days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff will issue a Notice of Project Complete Letter to the Permittee that will end the Post-Discharge Monitoring Period and associated annual fees. Completion of post-construction monitoring shall be determined by Colorado River Basin Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate:

a. Accidental Discharges of Hazardous Materials²:

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

- i. As soon as (A) the Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be 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 [California Hazardous Materials Spill/Release Notification Guidance](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) and the [Office of Emergency Services' Accidental Discharge Notification Web Page](https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/) (<https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/>).
- ii. Following notification to OES, the Permittee shall notify the Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) business days of notification to the Colorado River Basin Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

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 and Saf. Code § 25501).

b. Violation of Water Quality Standards:

- i. The Permittee shall notify the Colorado River Basin Water Board of any event causing a violation of water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- ii. This notification must be followed within three (3) business days by submission of a Violation of Water Quality Standards Report.

c. In-Water Work:

- i. The Permittee shall notify the Colorado River Basin Water Board at least 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) business days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Colorado River Basin Water Board staff.

d. Modifications to Project:

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

e. Transfer of Property Ownership:

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

- i. The Permittee must notify the Colorado River Basin Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Colorado River Basin Water Board at least ten (10) days prior to the transfer of ownership.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

If surface water is present, continuous visual monitoring shall be conducted during active construction to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, uncured concrete).

2. Accidental Discharge/Noncompliance:

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Colorado River Basin Water Board in accordance with the Conditional Notifications and Reports section of this Order. Colorado River Basin Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. In-Water Work or Diversions:

Water Quality Monitoring shall be in conformance with the approved monitoring plan outlined in the Project Monitoring and Adaptive Management Plan dated March 2025.

During work in water or stream diversions, any discharge(s) to waters of the state shall conform to the following water quality standards³ at a minimum. Sampling

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 Colorado River Basin Water Board's Executive Officer. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a USEPA-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

shall be conducted in accordance with Table 2 sampling parameters. In the event that water quality sampling shows an exceedance of water quality objectives, notify the Colorado River Basin Water Board in accordance with the Conditional Notifications and Reports section of this Order.

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency	Water Quality Objective
Oil and Grease	N/A	Visual	Continuous	25 mg/L
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 hours	≥ 5 mg/L
pH	Standard Units	Grab	Every 4 hours	6 - 9
Turbidity	NTU	Grab	Every 4 hours	Narrative ⁴
Temperature	°F (or as °C)	Grab	Every 4 hours	Narrative ⁵

4. Post-Construction:

The Permittee shall visually inspect the Project site to ensure excessive erosion, stream instability, or water quality pollution is not occurring in or downstream of the Project site according to the approved Monitoring and Adaptive Management Plan dated March 2025 and incorporated herein by reference. If erosion control measures have failed or water quality pollution is occurring, the Permittee shall contact the Colorado River Basin Water Board staff member overseeing the Project within three (3) business days. The Colorado River Basin Water Board may require the submission of a Violation of Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

⁴ Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

⁵ The natural receiving water temperature of surface waters shall not be altered by discharges of waste unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

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 13320, and Title 23, division 3, chapter 6 commencing with section 2050. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to ensure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, Title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.
4. **Annual Fees:** This Order is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Colorado River Basin Water Board receives an acceptable Request for Notice of Project Complete Letter in accordance with Attachment E Reporting Requirements.

Invoices are usually sent out at the end of each calendar year. Annual invoices for fill and excavation projects are issued for projects active for any amount of time in the current fiscal year (July 1-June 30). Annual invoices for dredging projects are based on the quantity of dredged material in the previous fiscal year.

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Colorado River Basin Water Board. Colorado River Basin Water Board staff will verify if the conditions of the Order are met and may conduct a site visit to confirm compliance.

5. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the Clean Water Act and the Porter-Cologne Water Quality Control Act.

E. General Compliance

1. The Colorado River Basin Water Board reserves the right to take any enforcement action authorized by law. Accordingly, failure to timely comply with any provisions of this Order may subject the Permittee to enforcement action. Such actions include, but are not limited to, the assessment of administrative civil liability pursuant to Water Code sections 13323, 13268, and 13350, a Time Schedule Order (TSO) issued pursuant to Water Code section 13308, or referral to the California Attorney General for recovery of judicial civil liability.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) by the Colorado River Basin Water Board or in any applicable State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Colorado River Basin Water Board deems 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.
4. The Project must conform to the 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. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee must comply with the requirements of the applicable Clean Water Act section 404 permit and/or Rivers and Harbors Act section 10 permit.

F. Administrative

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

2. This Order does not authorize any act which results in the “take” of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a take will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Colorado River Basin Water Board staff or an authorized representative (including an authorized contractor acting as a Colorado River Basin Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. 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.
5. 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.
6. The Permittee shall submit a signed copy of the California Department of Fish and Wildlife’s Lake and Streambed Alteration Agreement to the Colorado River Basin Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. **Good Site Management “Housekeeping”:** The Permittee shall follow good site management “housekeeping” and implement erosion control, sediment control, and other appropriate construction-related best management practices (BMPs).
 - a. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.

- b. Construction material, debris, rubbish, spoils, soil, silt, sawdust, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of Project related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.
- c. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils are stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of Project disturbance are prohibited.
- d. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
- e. Activities permitted under this Order shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate Project specific BMPs shall be specified by the Permittee and shall be approved by Colorado River Basin Water Board staff prior to Project discharges.
- f. Unless authorized for restoration, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state.
- g. 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.
- h. **Topsoil:** For any excavation, including utility line trenches, the top six to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.
- i. After completing construction activities, any temporarily disturbed areas shall be restored to pre-existing contours and conditions to the extent feasible.

2. Toxic and Hazardous Materials

- a. Activities permitted under this Order shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.

- b.** Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed by delivery to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.
- c.** Appropriate BMPs must be implemented throughout Project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.
- d.** Activities permitted under this Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be specified by the Permittee and shall be approved by Colorado River Basin Water Board staff prior to any discharges to waters of the state. These BMPs shall include, at a minimum:

 - i. All personnel handling fuels and other hazardous materials shall be properly trained.
 - ii. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during Project implementation.
 - iii. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.
 - iv. All on-site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.
 - v. All equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.
 - vi. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.
 - vii. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.
 - viii. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.

- ix. Spill containment supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.
- x. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.
- e. Projects that create new or affect existing wetland areas shall be designed to include features or management measures to reduce the production of methylmercury in the wetland, including minimizing the wetting and drying of soils by keeping wetlands flooded and sediment control measures to reduce the transport of total mercury or methylmercury out of the wetland.

3. 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. 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 crossing structure.
- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designated, 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 Colorado River Basin Water Board) to secure passage of fish across the structure.

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

4. Stormwater

If the Project is required to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002) (Construction General Permit), the Permittee shall comply with the requirements in the Construction General Permit. Generally, coverage under the Construction General Permit is required for construction activity resulting in a land disturbance of one acre or more, or less than one acre but is part of a larger common plan of development or sale that results in a land disturbance of one acre or more.

a. Erosion and Sediment Control

- i. No later than 24 hours prior to the start of a likely rain event, the Permittee shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. A likely rain event is defined as any weather pattern that is forecast to have a 50 percent or greater probability of producing precipitation in the Project area. The Permittee shall obtain precipitation forecast information daily from the National Weather Service.
- ii. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. Constructed post-project stormwater BMPs shall not receive site runoff until all Project landscaping is planted, and effective erosion control measures implemented to ensure that the stormwater features are protected from sediment accumulation.

b. Stormwater Management

- i. Disturbed areas must be temporarily stabilized to prevent erosion and accidental discharge into waters of the state at least 24 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a 50 percent probability of producing precipitation in the Project area, as predicted by the National Weather Service.
- ii. No individual construction activity that could discharge sediment or other pollutants may be initiated if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation. After any rain event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. Prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site the Permittee shall consult weather forecasts from the National Weather Service, and construction plans made to meet this condition.

H. Temporary Impact Restoration

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge to waters of the state to pre-Project conditions according to the approved Temporary Impacts Restoration Plan dated October 2013 and incorporated herein by reference.

XIV. Water Quality Certification

I hereby issue the Order for the Center and West Ponds Expansion Project, WDID No. 7A133189001, certifying under Clean Water Act section 401 that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Pursuant to State Water Board Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements (WDRs) under the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.).

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

Original signed by

Michael Placencia
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

- Attachment A** Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings
- Attachment D** Signatory Requirements
- Attachment E** Reporting Requirements
- Attachment F** Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)

Attachment A
Project Maps

This page intentionally left blank



Figure 1: Project location and vicinity.⁶

⁶ Figures and photos submitted with the Application for Waste Discharge Requirements for Dredged or Fill Discharges to Waters of the State and supplemental materials for the Center and West Ponds Expansion Project received by the Colorado River Basin Regional Water Quality Control Board on April 1, 2025.

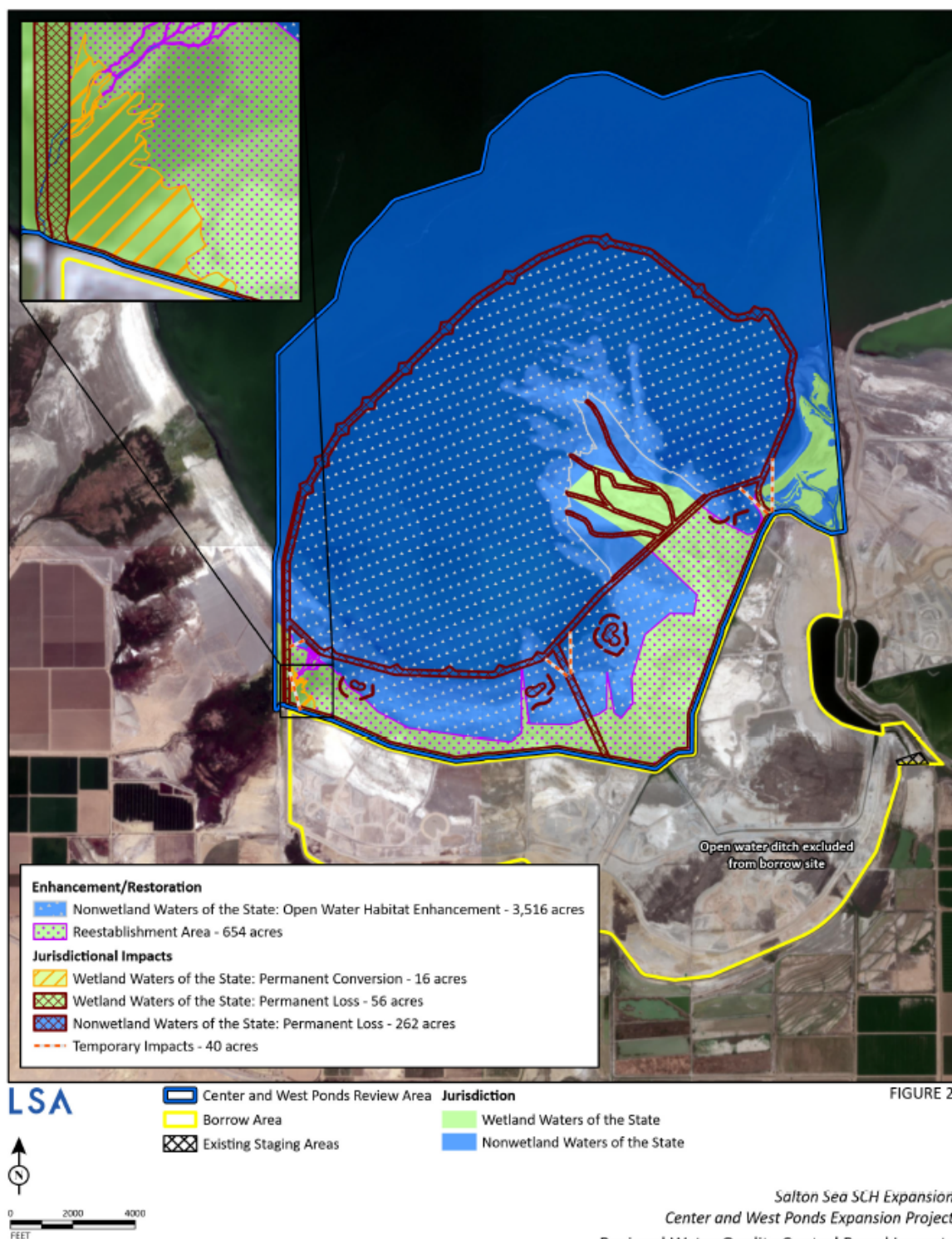


FIGURE 2

Figure 2: Project impacts and enhancement/restoration areas.



Attachment B
Receiving Waters, Impact, and Mitigation Information

This page intentionally left blank

Receiving Waters

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

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type ⁷	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses ⁸	303(d) Listing Pollutant ⁹
1	Salton Sea	Lake Wetland	Salton Sea (728.00)	Salton Sea	AQUA, IND ¹⁰ , REC I, REC II, WARM, WILD, RARE	Ammonia, Arsenic, Chloride, Chlorpyrifos, DDE ¹¹ , DDT ¹² , Enterococcus, Low Dissolved Oxygen, Nutrients, Salinity, Toxicity

⁷ Aquatic resource type may be Lake, Ocean/Bay/Estuary, Riparian Zone, Stream Channel, Vernal Pool, Wetland, or Unknown.

⁸ Beneficial uses for Salton Sea in the West Colorado River Basin as described in the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan).

⁹ Based on the 2024 California Integrated Report for Clean Water Act Section 303(d) List and Section 305(b) Report

¹⁰ IND is a potential beneficial use (Basin Plan).

¹¹ Dichlorodiphenyldichloroethylene (DDE)

¹² Dichlorodiphenyltrichloroethane (DDT)

Individual Direct Impact Locations

The following table shows individual direct impact locations.

Table 2: Individual Direct Impact Information

Impact Site ID	Latitude	Longitude	Direct Impact Requiring Mitigation?	Temporary Fill/Excavation Impacts	Permanent Fill/Excavation Impacts
1	33.1433°	-115.7186°	No	40 acres (7,052 linear feet)	334 acres (80,669 linear feet)

Attachment C CEQA Findings

A. Environmental Review

The California Natural Resources Agency (CNRA), as lead agency, certified a Final Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2010061062) for the Salton Sea Species Conservation Habitat Project and filed a Notice of Determination at the State Clearinghouse on August 5, 2013. On November 27, 2017, CNRA approved an Addendum (2017 Addendum) to the Final EIR and filed a Notice of Determination with SCH. The 2017 Addendum updated the Final EIR to include the Salton Sea Management Program Phase I 10-Year Plan which includes the Center and West Ponds Expansion Project.

The Colorado River Basin Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its findings and determination, must presume that the certified environmental document complies with the requirements of CEQA and is valid (Cal. Code of Regs., tit. 14, § 15231). The Colorado River Basin Water Board has reviewed and considered the environmental document and finds that it adequately addresses the Project's water resource impacts (Cal. Code of Regs., title 14, § 15096, subd. (f).). The environmental document includes the mitigation monitoring and reporting program (MMRP) developed for all mitigation measures that were adopted for the Project to reduce potential significant impacts (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code of Regs., title 14, § 15091, subd. (d).).

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Final EIR, the 2017 Addendum, the application for this Order, and other supplemental documentation. The application for this Order, including all supplemental information provided, is incorporated herein by reference. Requirements under the purview of the Water Board in the MMRP are incorporated herein by reference. All CEQA project impacts are analyzed in detail in the Final EIR and 2017 Addendum which are incorporated herein by reference. The Final EIR and addendum(s) can be obtained by contacting the lead agency. Lead agency contact information is available at the [Salton Sea Species Conservation Habitat Project](https://ceqanet.opr.ca.gov/Project/2010061062) webpage (<https://ceqanet.opr.ca.gov/Project/2010061062>).

C. Findings and Determination

The Final EIR and 2017 Addendum describe potential significant environmental effects to water resources associated with the Project. The Colorado River Basin Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts (Cal. Code of Regs., tit. 14, § 15096, subd. (h).).

Attachment D
Signatory Requirements

SIGNATORY REQUIREMENTS

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

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

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

Attachment E Reporting and Notification Requirements

Copies of this Form

In order for staff to identify your Project, it is necessary to include a copy of the Project-specific Report and Notification Cover Sheet and signature page below with your report. Please retain this document for your records. If you need to obtain a copy of the Reporting and Notification Cover Sheet, you may download a copy of this Order as follows:

1. Go to the [Clean Water Act Section 401 - Certification and Wetlands Program | California State Water Quality Control Board](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.html) web page (www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.html).
2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - a. **Part A (Project Reporting):** Submit these items monthly and/or annually as required by the Reporting and Notification Requirements section in this Order until a Notice of Project Complete Letter is issued.
 - b. **Part B (Project Status Notifications):** Submit these items to notify the Colorado River Basin Water Board of the status of the Project schedule that may affect Project billing.
 - c. **Part C (Conditional Notifications and Reports):** Submit these items as needed to notify the Colorado River Basin Water Board of accidental discharges of hazardous materials, violation of water quality standards, status of in-water work, or other reports as required by this Order.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - a. Submit the signed Report and Notification Cover Sheet and required information via email to: ColoradoRiver@Waterboards.ca.gov and cc: Logan.Raub@Waterboards.ca.gov.
 - b. Include in the subject line of the email: Subject: ATTN: Logan Raub; Reg. Measure ID: 460783_Report

Definition of Reporting Terms

1. **Effective Date:** The effective date is the date of Order issuance.
2. **Active Discharge Period:** The Active Discharge Period begins on 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.
3. **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 the Notice of Project Complete Letter is issued by Colorado River Basin Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
4. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Colorado River Basin Water Board staff pertains to projects that have post-construction monitoring requirements. Receipt of this letter from Colorado River Basin Water Board staff ends the Active Discharge Period and starts the Post-Discharge Monitoring Period.
5. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Colorado River Basin Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Colorado River Basin Water Board staff will review the request and upon approval, issue a Notice of Project Complete Letter. Termination of annual invoicing of fees will correspond to the date Colorado River Basin Water Board staff issues the Notice of Project Complete Letter.

Map/Photo Documentation Information

When submitting maps or photos, use the following formats.

1. Map Format Information:

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

- **Geographic information system (GIS) shapefiles:** The shapefiles must depict the boundaries of all Project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google keyhole markup language (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 (computer aided design (CAD) or illustration format):** When other electronic formats are used to provide a context for location (inclusion of landmarks, known structures, geographic coordinates, or U.S. Geological Survey (USGS) digital raster graphics (DRG) or digital orthophoto quarter-quadrangle (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 DOQQ printouts:** Maps must show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. Photo-Documentation: Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET	
Project:	Center and West Ponds Expansion Project
Permittee:	California Department of Water Resources
WDID No.:	7A133189001
Reg. Meas. ID:	460783
Place ID:	900859
Order Effective Date:	July 29, 2025

Report Type Submitted

Part A – Project Reporting

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

Part B – Project Status Notifications

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

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 Name¹³	Affiliation and Job Title
Signature	Date

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**

¹³ STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

Part A – Project Reporting

Report Type 1	Monthly Report
Report Purpose	Notifies Colorado River Basin Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15th day of each month for the duration of the construction phase. Monthly reporting shall continue until the Colorado River Basin Water Board issues a Notice of Project Complete Letter to the Permittee and this Order is terminated by vote of the Colorado River Basin Water Board.
Report Contents	1. Construction Summary Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). BMPs is a term used to describe a type of water pollution or environmental control. If construction has not started, provide an estimated start date. 2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. 3. Photo Summary Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. 4. Compliance Summary a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. b) List associated monitoring reports for the reporting period.

Report Type 1	Monthly Report
	c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. d) Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

Report Type 2	Annual Report
Report Purpose	Notify the Colorado River Basin Water Board staff of Project status during both the Active Discharge and Post-Discharge Monitoring Periods.
When to Submit	The Permittee must submit an Annual Report including activities conducted for the previous fiscal year (July 1 - June 30) to the Colorado River Basin Water Board on the 1st of September. Annual Reports must be submitted even if Project construction has not begun. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee by the Colorado River Basin Water Board staff.
Report Contents	The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below. <u>During the Active Discharge Period</u> • Topic 1: Construction Summary • Topic 2: Restoration of Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <u>During the Post-Discharge Monitoring Period</u> • Topic 2: Restoration of Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status

Annual Report Topics (1-3)

Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	1. Project progress and schedule, including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. 2. Map showing general Project progress. 3. Summary of Conditional Notifications and Report Types 6, 7, and 9 (Part C below).

Annual Report Topic 2	Restoration of 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 restoration of 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 restoration has already commenced, provide a map and information concerning attainment of performance standards outlined in the restoration plan.

Annual Report Topic 3	Compensatory Mitigation 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”. Part A. Permittee Responsible 1. Planned date of initiation of compensatory mitigation site installation. 2. If installation is in progress, a map of what has been completed to date. 3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards outlined in the compensatory mitigation plan. Part B. Mitigation Bank or In-Lieu Fee (ILF) Mitigation 1. Status or proof of purchase of credit types and quantities. 2. Include the name of bank/ILF Program and contact information. 3. If ILF, location of project and type if known.

Part B – Project Status Notifications

Report Type 3	Commencement of Construction
Report Purpose	Notify Colorado River Basin Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones, including a schedule for onsite compensatory mitigation, if applicable. 4. If applicable, the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002).

Report Type 4	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify Colorado River Basin Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and Permittee-responsible compensatory mitigation, is complete.
When to Submit	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	1. Status of stormwater Notice of Termination(s), if applicable. 2. Status of post-construction stormwater BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of final dredge and/or fill/excavation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

Report Type 4	Request for Notice of Completion of Discharges Letter
	5. An updated monitoring schedule for restoration of temporary impacts to waters of the state and Permittee-responsible compensatory mitigation during the Post-Discharge Monitoring Period, if applicable.

Report Type 5	Request for Notice of Project Complete Letter
Report Purpose	Notify Colorado River Basin Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	Part A: Restoration of 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. 3. Pre- and post-photo documentation of all restoration sites. Part B: Post-Construction Stormwater BMPs 1. Date of storm water Notice of Termination(s), if applicable. 2. Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type 6	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Colorado River Basin Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Colorado River Basin Water Board staff.
Report Contents	1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. 2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, and locations of sampling sites. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

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

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

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

Report Type 10	Transfer of Property Ownership Report
Report Purpose	Notifies Colorado River Basin Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least ten (10) business days prior to the transfer of ownership.
Report Contents	1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: a) The Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and b) Responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. 2. A statement that the Permittee has informed the purchaser to submit a written request to the Colorado River Basin Water Board to be named as the Permittee in a revised order.

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

Attachment F

Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)

The purpose of this Attachment is to comply with Code of Federal Regulations (C.F.R.), title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements, and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XII of the Order, and the statements below correspond with the conditions set forth in Section XII. The other Order sections are not “conditions” as used in C.F.R., title 40, section 121.7.

General Justification for Section XIII Conditions

Pursuant to Clean Water Act section 401 and California Code of Regulations, title 23, section 3859, subdivision (a), the Colorado River Basin Water Board, when issuing water quality certifications, may set forth conditions to ensure compliance with applicable water quality standards and other appropriate requirements of state law. Under California Water Code section 13160, the State Water Resources Control Board is authorized to issue water quality certifications under the Clean Water Act and has delegated this authority to the executive officers of the regional water quality control boards for projects within the executive officer’s region of jurisdiction. (California Code of Regulations, title 23, section 3838.)

The conditions within the Order are generally required pursuant to the Colorado River Basin Water Board’s Water Quality Control Plan for the Colorado River Basin Region, January 2019 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. 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. For instance, the Basin Plan includes water quality objectives for chemical constituents, pH, suspended solids and settleable solids, toxicity, and turbidity which ensure protection of beneficial uses.

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, 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. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects only if the demonstrations set forth in Section IV.B.1 of the Dredge or Fill Procedures have been satisfied.

California Code of Regulations, title 23, sections 3830 et seq. set forth state regulations pertaining to water quality certifications. In particular, section 3856 sets forth information that must be included in water quality certification requests, and section 3860 sets forth standard conditions that shall be included in all water quality certification actions.

Finally, Water Code sections 13267 and 13383 authorize the regional and state boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste.

Specific Justification for Section XIII Conditions

A. Authorization

Authorization under the Order is granted based on the application submitted. The applicant is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

B. Reporting and Notification Requirements

1. Project Reporting

a. Monthly Reporting

b. Annual Reporting

2. Project Status Notifications

a. Commencement of Construction

b. Request for Notice of Project Completion Letter

The project reporting and status notification conditions under Sections B.1 and B.2 are required to provide the Colorado River Basin Water Board necessary project information and oversight to ensure that project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Colorado River Basin Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

The condition under Section B.3.a is related to notification and reporting requirements in the event of an accidental discharge of hazardous materials and is required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code. "Hazardous materials" is defined under Health and Safety Code section 25501. These reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

b. Violation of Compliance with Water Quality Standards

c. In-Water Work

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work are required to provide the Colorado River Basin Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Colorado River Basin Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards

to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

d. Modifications to Project

The condition under Section B.3.d is necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. Authorization under this Order is granted based on the application and supporting information submitted. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions under Sections B.3.e and B.3.f are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the new owner is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

C. Water Quality Monitoring

1. General

2. Accidental Discharge/Noncompliance

3. In-Water Work or Diversions

4. Post-Construction

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Colorado River Basin Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

D. Standard

1. Order modification or revocation

The condition under Section D.1 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review.

2. Order is not intended to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license

The condition under Section D.2 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification's application.

3. Payment of fees

4. Annual Fees

The condition under Section D.3 and 4 relates to total payment of any fee. This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

5. Violation or threatened violation of Order conditions

The condition under Section D.4 places the permittee on notice that any violations or threatened violation of Order conditions may be subject to enforcement action. The Colorado River Basin Water Board reserves the right to take any enforcement action authorized by law. Failure to timely comply with any provisions of this Order may subject the Permittee to enforcement action. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

E. General Compliance

1. Enforcement

Condition E.1 places the permittee on notice that any violations of Order requirements may be subject to enforcement action. The Colorado River Basin Water Board reserves the right to take any enforcement action authorized by law. Failure to timely comply with any provisions of this Order may subject the Permittee to enforcement action. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

2. No violation of applicable Water Quality Standards

Condition E.2 is related to compliance with water quality objectives and designated beneficial uses and is required pursuant to the Colorado River Basin Water Board's Basin Plan. The permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters. The Basin Plan's water quality standards 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. The 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. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Chapter 3 Section II.N), pH (Basin Plan, Chapter 3 Section II.E), Suspended solids and Settleable Solids (Basin Plan, Chapter 3 Section II.G), Toxicity (Basin Plan, Chapter 3 Section II.C), and Turbidity (Basin Plan, Chapter 3 Section II.L) water quality objectives.

3. Technical or monitoring reports in response to suspected violations of Order conditions

Condition E.3 is related to monitoring and reporting and is required to provide the Colorado River Basin Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Colorado River Basin Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Technical supports submitted pursuant to Water Code section 13267 are required to be submitted under penalty of perjury. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. Compliance with Project plans, specifications and technical reports

Under condition E.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. Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

5. Order conditions continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project

6. Compliance with requirements of the applicable Clean Water Act section 404 permit and/or Rivers and Harbors Act section 10 permit

Conditions E.5 and E.6 ensure continued compliance with applicable water quality standards and other appropriate requirements of state law. Notwithstanding any determinations by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, the Permittee must comply with the entirety of this certification because, pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

F. Administrative

1. Signatory requirements

Condition F.1 for signatory requirements, is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Colorado River Basin Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Colorado River Basin Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

2. No authorized take of a threatened, endangered or candidate species

This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Colorado River Basin Water Board of “any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included.”

3. Regional Water Board staff access to Project site(s)

Condition F.3 is related to site access requirements as authorized pursuant to the Colorado River Basin Water Board’s authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that “the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with.” Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. Copy of Order provided to consultants, contractors, and subcontractors working on the Project

Condition F.4 ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

5. Copy of Order available at Project site(s)

Condition F.5 ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

6. Copy of Lake and Streambed Alteration Agreement

Condition F.6 is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which requires that copies be provided to the Colorado River Basin Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

G. Construction

1. Good Site Management “Housekeeping”

The conditions in G.1 are related to site management, which requires best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and chemical constituents water quality objectives (Basin Plan, Chapter 3 Sections II.C and II.N.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

2. Toxic and Hazardous Materials

The conditions in G.2 are related to toxic and hazardous materials and are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the toxicity and chemical constituents water quality objectives. (Basin Plan, Chapter 3 Sections II.C and II.N.)

3. Roads

The conditions in G.3 are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, roadways have the potential to exceed water quality objectives for toxicity (Basin Plan, Chapter 3 Section II.C), chemical constituents (Basin Plan, Chapter 3 Section II.N), pH (Basin Plan, Chapter 3 Section II.E), suspended solids and settleable solids (Basin Plan, Chapter 3 Section II.G) sediment (Basin Plan, Chapter 3 Section II.K), temperature (Basin Plan, Chapter 3 Section II.D), and turbidity (Basin Plan, Chapter 3 Section II.L).

4. Stormwater

a. Erosion and Sediment Control

Conditions in G.4 related to erosion and sediment control design requirements are required to assure that discharges will comply with water quality standards within the Basin Plan. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Chapter 3, Sections II.K and II.L).

b. Stormwater Management

Conditions in G.4 related to erosion and sediment control requirements are required to assure that discharges will comply with water quality standards within the Basin Plan. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents (Basin Plan, Chapter 3 Section II.N), aesthetic qualities (Basin Plan, Chapter 3 Section II.A), sediment (Basin Plan, Chapter 3 Section II.K), turbidity (Basin Plan, Chapter 3 Section II.L), temperature (Basin Plan, Chapter 3 Section II.D), suspended solids and settleable solids (Basin Plan, Chapter 3 Section II.G) within the Basin Plan. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

H. Mitigation for Temporary Impacts

1. Restoration of Temporary Impact Areas

Condition H.1 requires restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires “in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions.” (Dredge or Fill Procedures section IV. A.2(d) & B.4.).