Colorado River Basin Regional Water Quality Control Board

AMENDED (2025) CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: October 24, 2022
First Amendment: January 20, 2023
Second Amendment: May 27, 2025

Program Type: Fill/Excavation

Project Type: Roads and Highways

Project: 1C081 Interstate 10 Pavement Rehabilitation Project
Regulatory Measure ID: 449090
WDID: 7A333246001
Place ID: 883097
U.S. Army Corps of Engineers
NWP 14

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1C081 Interstate 10 Pavement Rehabilitation Project

I. Amended Order (2025)

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the California Department of Transportation (Caltrans or Permittee) for the 1C081 Interstate 10 Pavement Rehabilitation Project (Project). This Order is for the purpose described in the original application and the subsequent amendment requests submitted by Caltrans. The original application was received on August 22, 2022. The original application was deemed complete on September 6, 2022. The Order was originally issued on October 24, 2022.

On December 16, 2022, the Colorado River Basin Water Board received a request from Caltrans to amend the October 24, 2022 Order for the Project. Caltrans requested that the Compensatory Mitigation in the Order be amended because the in-lieu fee program Caltrans had originally chosen to mitigate for impacts caused by the Project was terminated by the U.S. Army Corps of Engineers and no longer sells mitigation credits. In addition, Caltrans requested that the Order be amended to change the amounts of waters of the U.S./state impacted by the Project due to a Project redesign. There were no other changes to the certified Project or the Project description. The original Order's other requirements were unchanged.

On February 14, 2025, the Colorado River Basin Water Board received a request from Caltrans to amend the Amended (2023) Order. The Order needed to be amended to reflect design revisions including additional activities related to culverts and drainage infrastructure on the outside of the median, north of the westbound lanes and south of the eastbound lanes. These activities include cleaning and repairing culverts, repairing and replacing broken concrete headwalls, and stabilizing embankments by replacing and/or adding rock slope protection.

This Amended (2025) Order reflects those design revisions including an increase in temporary impacts and a decrease in permanent impacts to waters of the U.S./state. The original Project IS/MND remains valid, and no further documentation is necessary due to these Project design revisions. This Amended (2025) Order is for the purpose described in the original application and the subsequent amendment requests submitted by Caltrans. There are no other changes to the Amended (2023) Order's other requirements.

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 September 20, 2022 to October 11, 2022. The Colorado River Basin Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to restore and extend the service life of existing freeway pavement for a minimum of forty years to enhance trip reliability, and consequently minimize expenditures associated with future maintenance. This project will improve roadway safety and mobility for the traveling public. This Amended (2025) Order is consistent with the Project purpose.

IV. Project Description

Project work primarily consists of rehabilitation of existing Asphalt Concrete (AC) pavement and construction of a truck climbing lane on the eastbound roadbed along a thirteen-mile section of Interstate 10 (I-10) near the City of Coachella. Work activities include the following:

- Extend existing culverts into the median,
- Replace existing inlets in the median,
- Widen existing bridges towards the median,
- Remove, replace, or repair existing Rock Slope Protection at all bridge locations in each direction,
- Install riprap under long-term scour depth to protect bridge structures,
- Retrofit nine existing bridges,
- Cold plane existing AC pavement on the mainline of the roadbeds and shoulders,
- Raise the roadway profile grade by approximately one foot to achieve the recommended structural section,
- Remove existing mainline AC pavement and base,
- Remove existing AC on all bridges and treat the exposed deck,
- Remove existing Metal Beam Guard Railing and replace with a Midwest Guardrail System,
- Remove and reinstall rumble strips,
- Cold plane and overlay existing Rest Area pavement and ramps with Rubberized Hot Mix Asphalt,
- Install electric vehicle charging stations at the Cactus City Rest Area, on the eastbound and westbound sides,
- Clean, assess, and repair culverts and drainage infrastructure outside the median.

In addition, temporary detour lanes and crossover lanes will be constructed in the existing median for traffic handling during construction. As a result of detour construction, all existing eastbound bridges and all drainage crossings will be widened towards the median. The detour lanes will remain in place after completion of the project. The eastbound detour lane from Post Mile R60.7 to Post Mile R74.3 will be repurposed and incorporated into the mainline for public use after rehabilitation activities have concluded. Through this stretch, the roadway will be re-striped so that the temporary detour lane on the eastbound side will be used as a general-purpose lane and the outside lane will be used as a truck climbing lane.

Caltrans will implement Management Measures to avoid and minimize impacts to waters of U.S./state. Caltrans will also temporarily install desert tortoise fencing, where necessary, to minimize Project impacts. Project activities were originally scheduled to begin in October 2022, continue for sixty months, and conclude in October 2027.

V. Project Location

The Project is located along a section of I-10, beginning two miles east of the Dillon Road Interchange to two miles east of the Cactus City Rest Area, in Riverside County, California. In this section I-10 is a four-lane divided freeway, with two eastbound lanes, two westbound lanes, and a dirt median separating the roadbeds. Maps and figures showing the Project location are found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of 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 (Basin Plan) and other plans and policies, which may be accessed online at: https://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the U.S./state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the U.S./ state impacted by the Project. Individual impact locations and quantities are shown in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the U.S./State

The Project will temporarily and permanently impact habitat considered waters of the U.S./ state. Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological conditions only.

Table 1: Total Project Fill/Excavation Quantity to Stream Channels

Temporary Impact[1]	Permanent Impact - Physical Loss of Area	Permanent Impact - Degradation of Ecological Condition Only
6.861 acres 13,189 linear feet	3.373 acres 9,966 linear feet	None

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

VIII. Compensatory Mitigation

Caltrans has provided Compensatory Mitigation for the direct permanent impacts to waters of the U.S./state at a greater than 1:1 ratio through the purchase of mitigation credits from the San Luis Rey Mitigation Bank.

IX. California Environmental Quality Act (CEQA)

On September 17, 2020, Caltrans as lead agency adopted an initial study/mitigated negative declaration (IS/MND) for the Project (State Clearinghouse [SCH] No. 2020029024) and filed a Notice of Determination (NOD) with the SCH on September 25, 2020.

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

X. Petitions for Reconsideration

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

XI. Fees Received

A partial payment of the application and project fee in the amount of $109,444 was received on August 15, 2022. An additional payment of $45,672 was received on September 26, 2022. The project fee was based on total Project impacts. The fee amounts were determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An amendment fee of $116,011 was received on May 8, 2025 for the Amended (2025) Order. This amendment fee amount was calculated based on increased Project impacts and was processed as a Category G Type 3 “Amended Orders” using fee code 84 with the Fiscal Year 2024/ 2025 dredge and fill fee calculator.

XII. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment E, including specifications for photo and map documentation during the Project.

Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment E, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

a. Monthly Reporting:

The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 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.

b. Annual Reporting:

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

c. Other Reporting:

If pollutants are observed in surface water, the Permittee shall submit a report to the Colorado River Basin Water Board within 30 days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the report.

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

- Provide a general description of the repair work;
- Specify the date and daily starting and ending time for the repair work;
- Note key weather conditions (e.g., temperature, wind speed and direction, precipitation, if any);

- Include notes from visual observations regarding the presence/absence of construction debris/trash (e.g., discarded filter fiber) and used oil (e.g., oil that leaks from construction equipment) in the area where the work has taken place.

Within 30 days following completion of all repair work, the Permittee shall submit to the Colorado River Basin Water Board a summary report of the key daily log entries. The summary report shall include the above-mentioned before and after pictures of the conditions of the area and shall be signed by the Permittee's Project Manager.

2. Project Status Notifications

a. Commencement of Construction

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

b. Request for Notice of Completion of Discharges Letter:

The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Colorado River Basin Water Board staff within 30 days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

c. Request for Notice of Project Complete Letter:

The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,[2] 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 and prepare a draft order terminating this Order for approval by vote of the Colorado River Basin Water Board. Board approval of the termination will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

[2] 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.

a. **Accidental Discharges of Hazardous Materials[3]:** Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):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:http://occupainfo.com/civicax/filebank/blobdload.aspx?BlobID=26396 http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

ii. Following notification to OES, the Permittee shall notify the Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

iii. Within five (5) working days of notification to the Colorado River Basin Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. **Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

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

ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. **In-Water Work:**

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

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

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Colorado River Basin Water Board staff.

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

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

i. The Permittee must notify the Colorado River Basin Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Colorado River Basin Water Board at least 10 days prior to the transfer of ownership.

ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

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

C. Water Quality Monitoring

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

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

a. In-Water Work or Diversions: For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Colorado River Basin Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.Sampling shall be conducted in accordance with Table 2 sampling parameters, and work in water or stream diversionary discharge(s) to waters of the U.S./state shall conform to the following water quality standards[4] at a minimum:

Table 2: Sample Type, Frequency, and Water Quality Objectives

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency	Water Quality Objective
Oil and Grease	N/A	Visual/Grab	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	Visual/Grab	Every 4 hours	Narrative[5]
Temperature	°F (or as °C)	Grab	Every 4 hours	Narrative[6]

In the event that water quality sampling shows an exceedance of water quality objectives, notify the Colorado River Basin Water Board in the Monthly Report.

[4] 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.

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

[6] 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 Colorado River Basin Water Board that such alteration in temperature does not adversely affect beneficial uses.

b. **Post-Construction:** The Permittee shall visually inspect the Project site during a rain event of greater than 0.1 inches that produces a discharge for five (5) years to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, the Permittee shall contact the Colorado River Basin Water Board staff member overseeing the Project within three (3) working days. The Colorado River Basin Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, article 6 commencing with section 3867. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to ensure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plan by the Colorado River Basin Water Board or any applicable State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee 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 taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Colorado River Basin Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
   c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
   d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. **Lake and Streambed Alteration Agreement** – The Permittee shall submit a signed copy of the 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 U.S./state.

G. Construction

Good Site Management "Housekeeping"

1. The Permittee shall follow good site management "housekeeping" and implement erosion control, sediment control, and other construction-related best management practices (BMPs) depicted in Table 3 below.
2. Ground-disturbing activities (work area preparation, grading, clearing, grubbing, trenching, construction, and decommissioning activities) shall comply with biological monitoring standards outlined in the issued Streambed Alteration Agreement or other Department of Fish and Wildlife agreement and be subject to approval by the Colorado River Basin Water Board.
3. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
4. After completing construction activities, any disturbed areas shall be restored to pre-existing contours and conditions to the extent feasible.

Table 3: BMPs

Type of BMP	BMP	Application
Construction BMPs	Erosion control	Implement erosion control BMPs to mitigate soil erosion, minimize soil loss from wind erosion, and to reduce air pollution during construction activities for all disturbed areas. Examples: mulch, straw, wood chips, soil application, lot perimeter protection per county standards, bonded fiber matrix or stabilized fiber matrix, physical stabilization erosion control blanket.
	Velocity reduction	Implement velocity reduction BMPs to reduce water/runoff velocity. Examples: energy dissipater outlet protection.
	Sediment control	Implement sediment control BMPs to remove sediment loads from runoff generated within the construction site for all disturbed areas. Examples: silt fence, fiber rolls, gravel bags, dewatering filtration.
	Off-site sediment tracking control	Implement off-site sediment tracking control BMPs for reducing the transport of sediment on tires off, and within, construction site. Examples: stabilized construction entrance, construction road stabilization, entrance/exit tire wash, entrance/exit inspection and cleaning facility.
	General site and materials management	Implement general site and materials management BMPs for materials and waste management. Examples: material delivery and storage management, spill prevention and control, concrete waste management, solid waste management, sanitary waste management, hazardous waste management.
Low Impact Development (LID)	Conservation of natural drainages	Implement LID BMPs to conserve natural drainages. Examples: minimize disturbances of natural areas, construct in least environmentally sensitive areas.
	Minimize disturbances to natural drainages	Implement LID BMPs to minimize disturbances to natural drainages. Examples: avoid disturbing

Type of BMP	BMP	Application
		natural swales and topographic depressions, construction setback from creeks.
	Minimize impervious surfaces	Implement LID BMPs to reduce impervious surfaces through efficient site design. Examples: preserve existing vegetation, permeable roads with minimum widths.
	Minimize soil compaction	Implement LID BMPs to minimize soil compaction. Examples: protect native soil and vegetation from construction equipment.
	Drain runoff from impervious surfaces to pervious areas	Implement LID BMPs to drain runoff from impervious surfaces to pervious areas.
	Hydrologic design	Implement LID BMPs for optimizing hydrologic design. Examples: infiltration trenches or basins, depression areas for infiltration, bio-filters such as vegetated or rock swales.
	Permeable pavement design	Implement LID BMPs using permeable pavement design. Examples: pervious concrete, permeable asphalt concrete/pavers, granular material.
	LID road design	Implement LID BMPs for road design. Examples: permeable roads, reduction of overall road coverage, direct runoff to vegetated swales.
Post-Construction BMPs	Protection of channel banks/manufactured slopes	Implement channel protection BMPs to protect banks of the channels as well as the slopes.
	Outlet protection	Implement outlet protection BMPs to reduce discharge/water velocity. Examples: energy dissipater outlet protection, velocity dissipation devices.

Hazardous Materials

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

Roads

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

Sediment Control

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

Stabilization/Erosion Control

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

Stormwater

12. The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that complies with the requirements of the National Pollutant Discharge Elimination System (NPDES) Caltrans Statewide Stormwater Permit (Order No. 2022-0033-DWQ; NPDES No. CAS000003).
13. Post-construction, the Permittee shall implement channel protection BMPs to protect banks of the channels as well as the slopes.
14. Post-construction, the Permittee shall implement outlet protection BMPs to reduce discharge/water velocity. Examples: energy dissipater outlet protection, velocity dissipation devices.

H. Mitigation for Permanent Impacts

1. Total Required Compensatory Mitigation

a. The Permittee has provided compensatory mitigation for the authorized impact to 3.373 acres of waters of the U.S./state by purchasing rehabilitation credits from the San Luis Rey Mitigation Bank.

b. Total required, Project-compensatory mitigation information for permanent physical loss of area is summarized in Table 4:

Table 4: Required Project Compensatory Mitigation for Permanent Impacts

Aquatic Res. Type	Comp. Mit. Type[7]	Est.[8]	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zones	MB	N/A	N/A	4.23 acres	N/A	N/A	N/A

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. A copy of the fully executed agreement for the purchase of mitigation credits was provided to the Colorado River Basin Water Board.

b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Colorado River Basin Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

I. Restoration of Temporary Impact Areas

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

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

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

XIII. Water Quality Certification

I hereby issue the Order for the 1C081 Interstate 10 Pavement Rehabilitation Project, WDID No. 7A333246001, 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 Project 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

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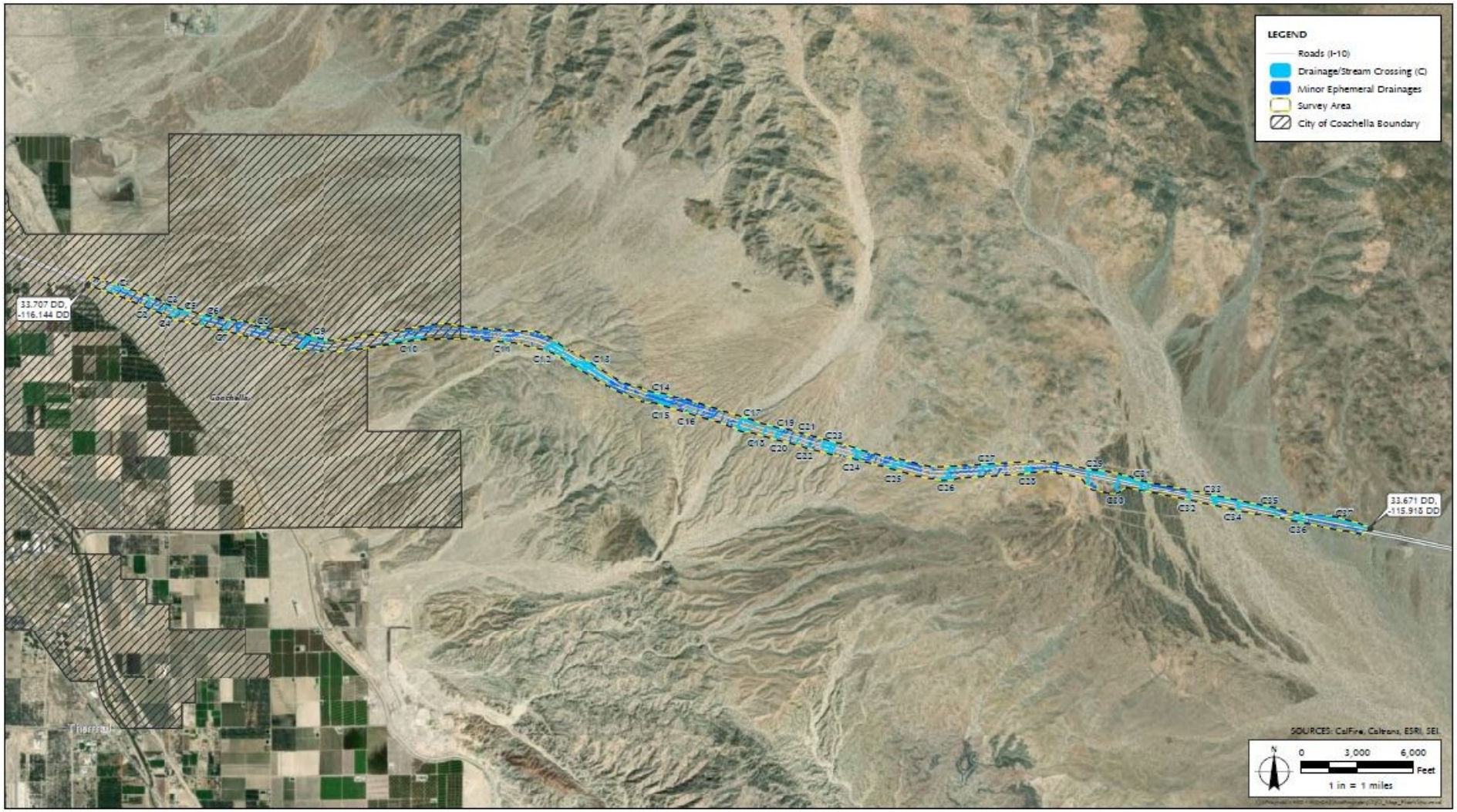
Figure 1
Regional Vicinity Map
I-10 Pavement Rehab Project

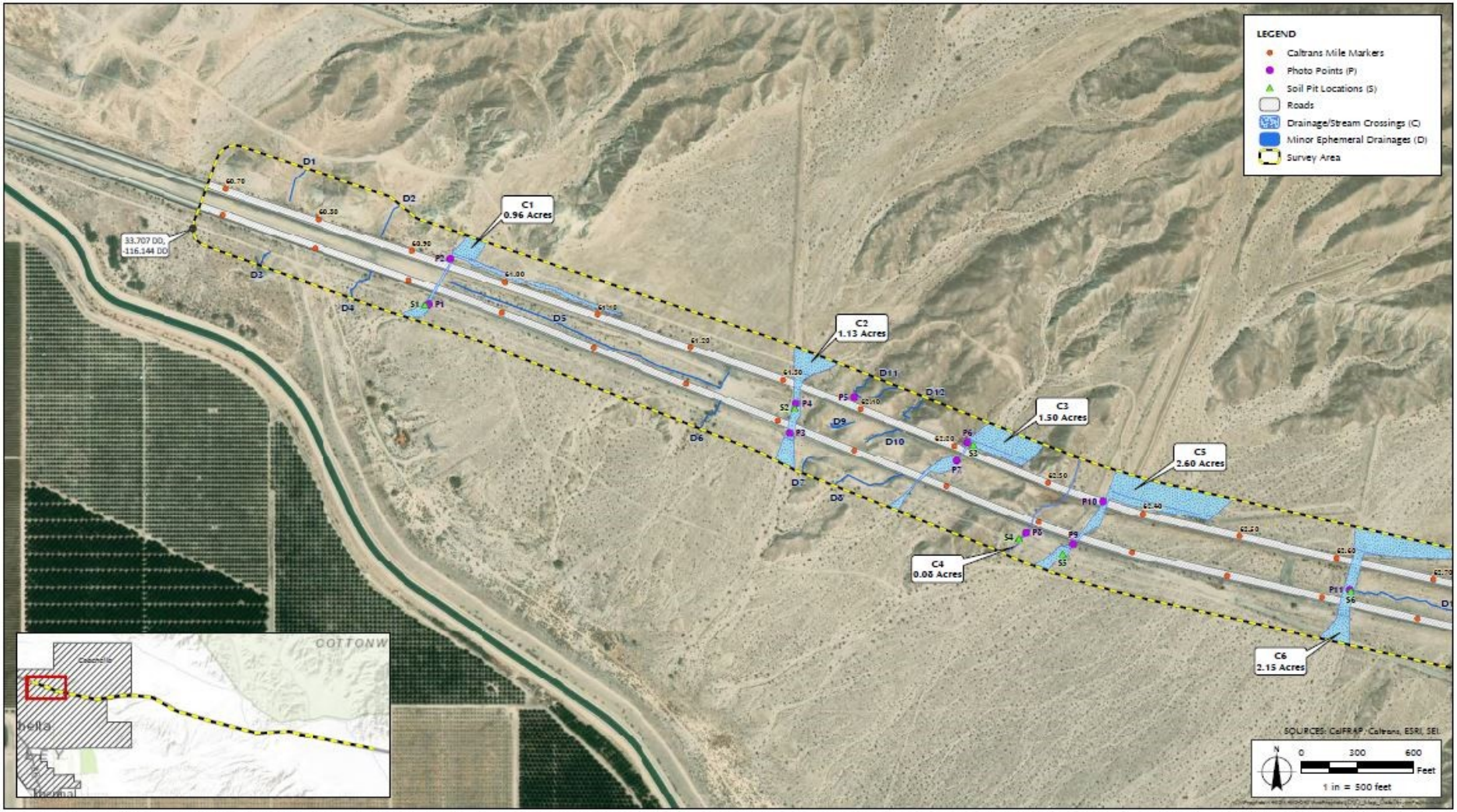
(Caltrans, 2022)[9]

[9] Caltrans, 2022. Section 401 Certification Application. Maps and photos taken from submitted material.



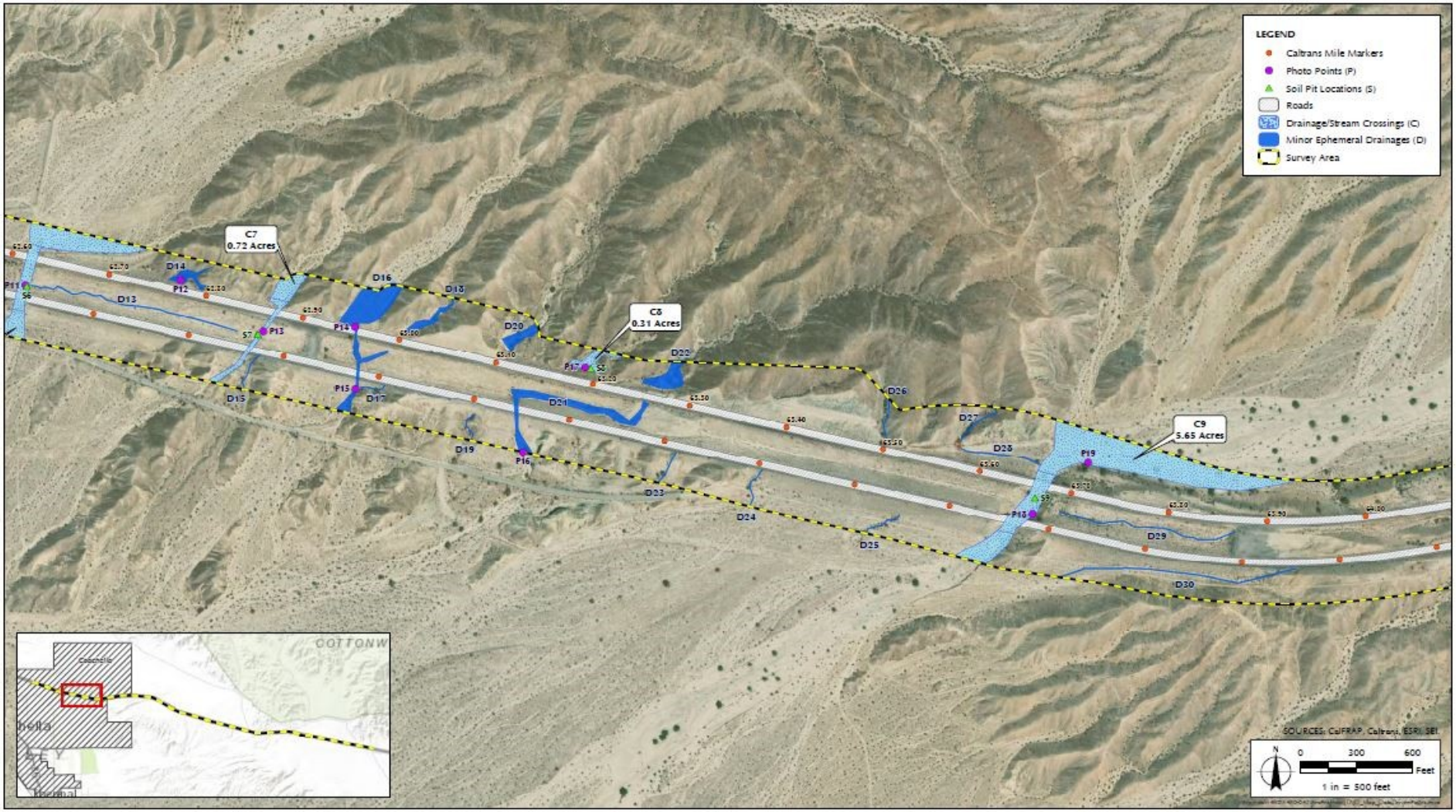
Prepared by: Kirstin Rochel, Sapphos Environmental, Inc.
Date prepared: November 13, 2018

Figure 2
Project Overview Map



Prepared by: Kirstin Rochel, Sapphos Environmental, Inc.
Date prepared: November 13, 2018

Figure 3
Section 1 Map



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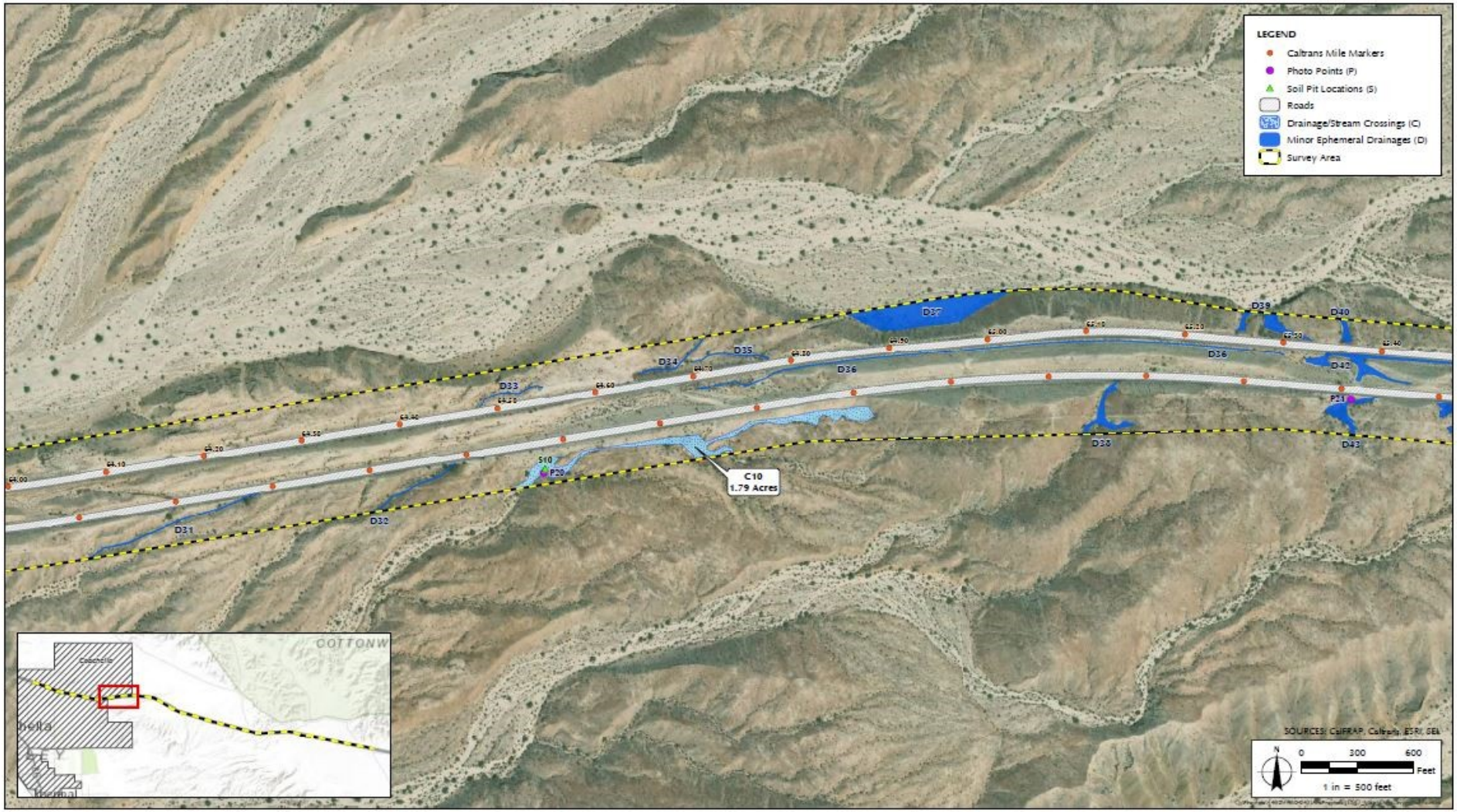
Date prepared: November 13, 2018

Figure 4
Section 2 Map



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Date prepared: November 13, 2018

Figure 5
Section 3 Map

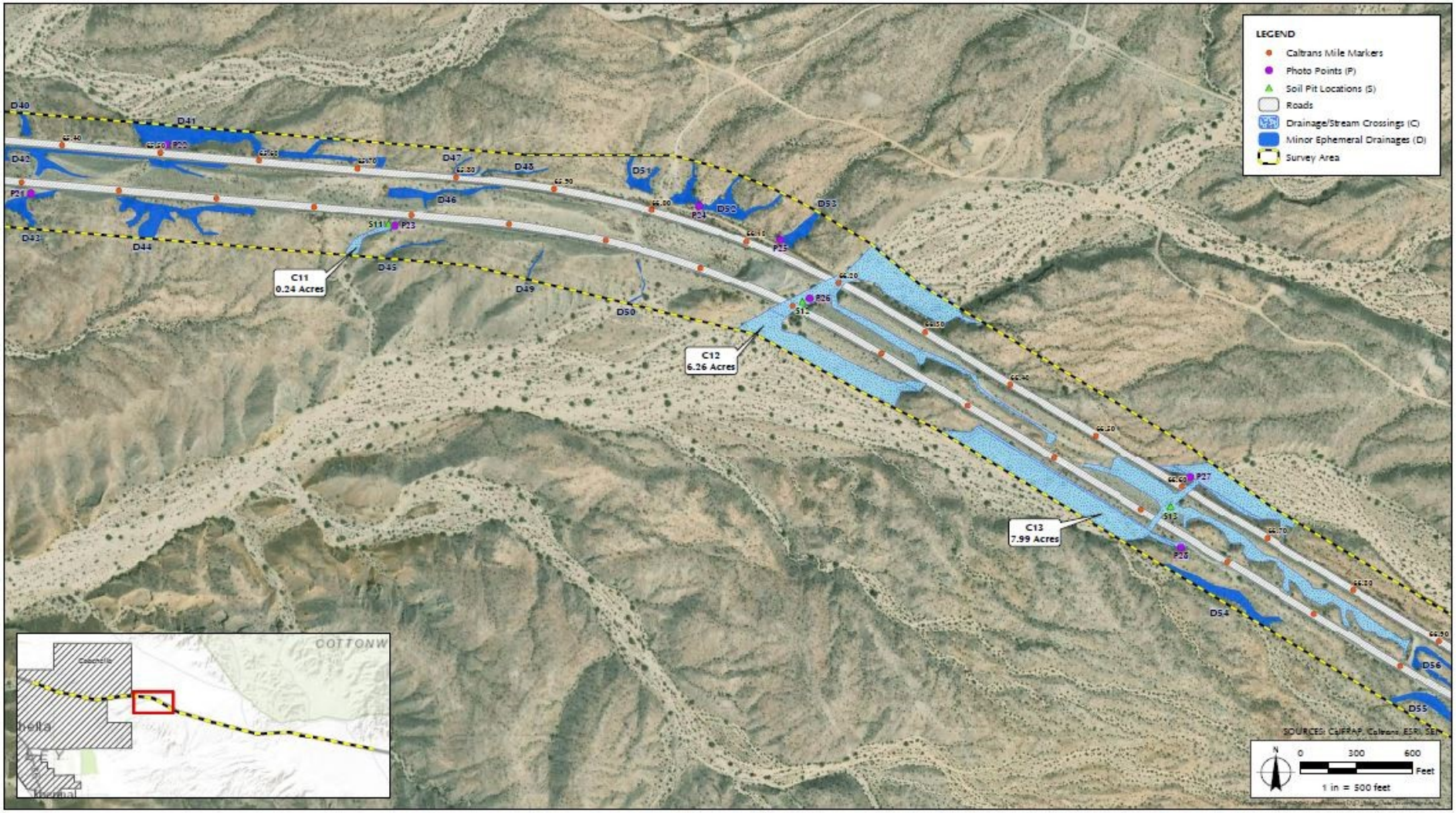

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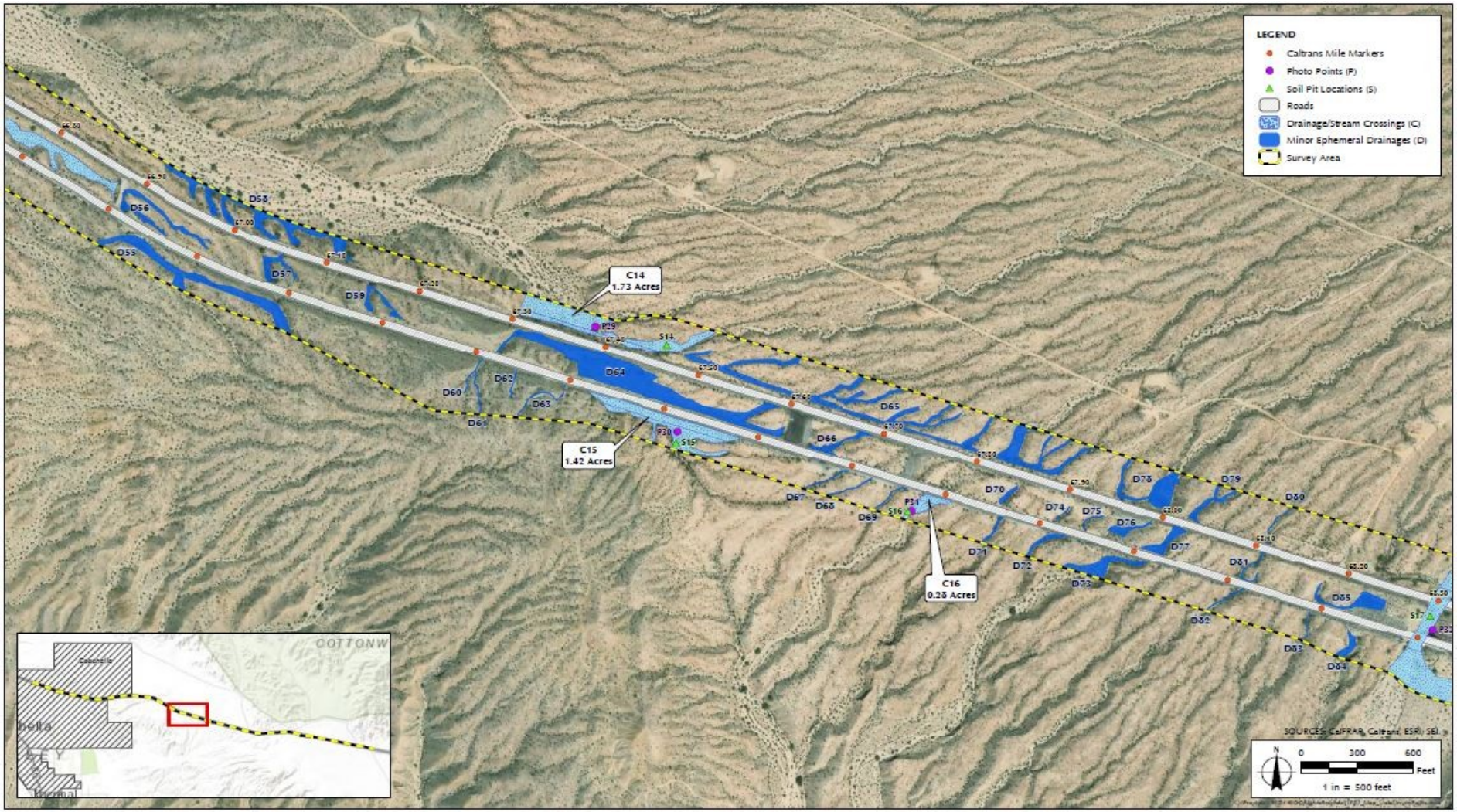
Figure 6
Section 4 Map



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Date prepared: November 13, 2018

Figure 7
Section 5 Map

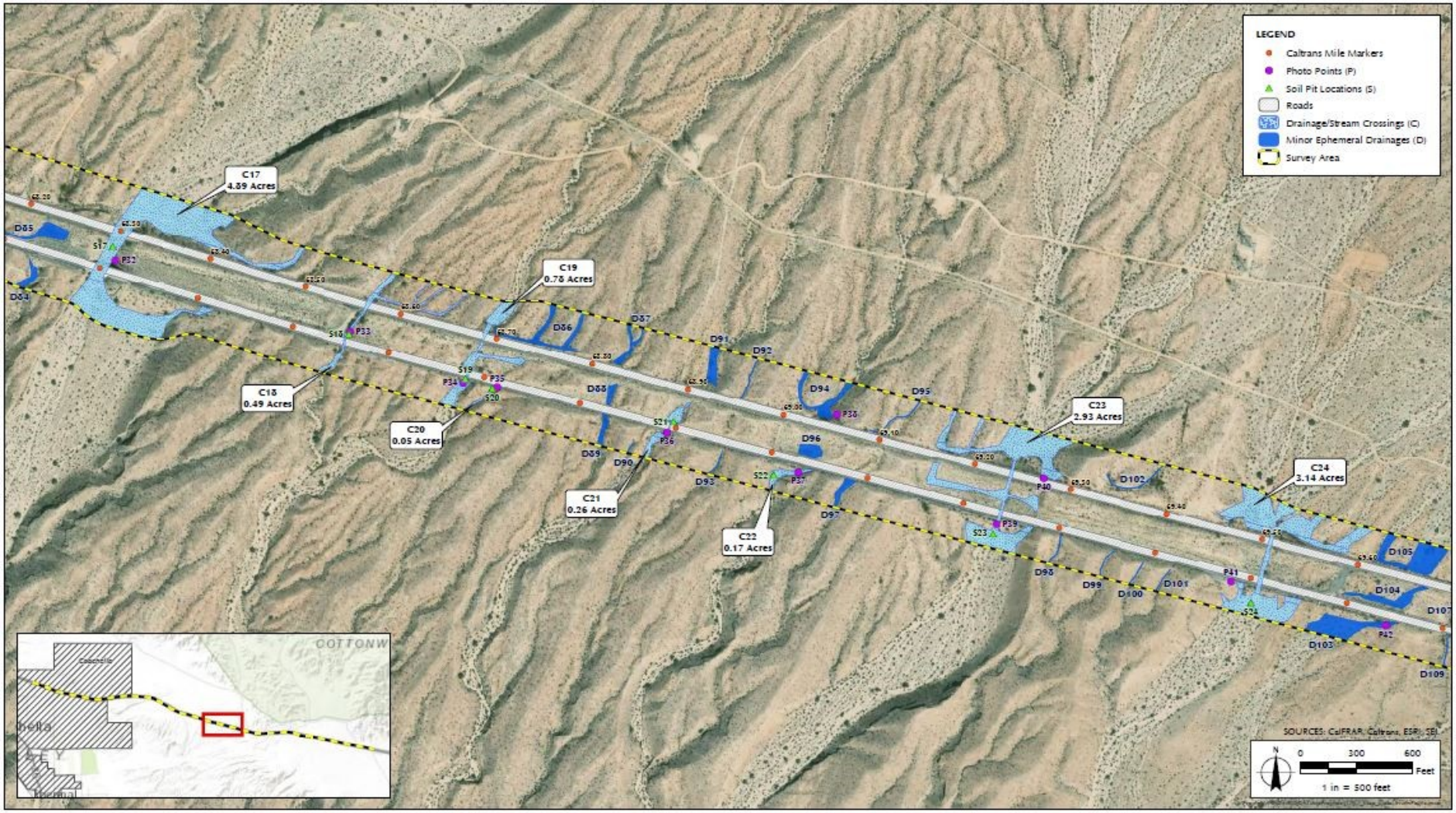

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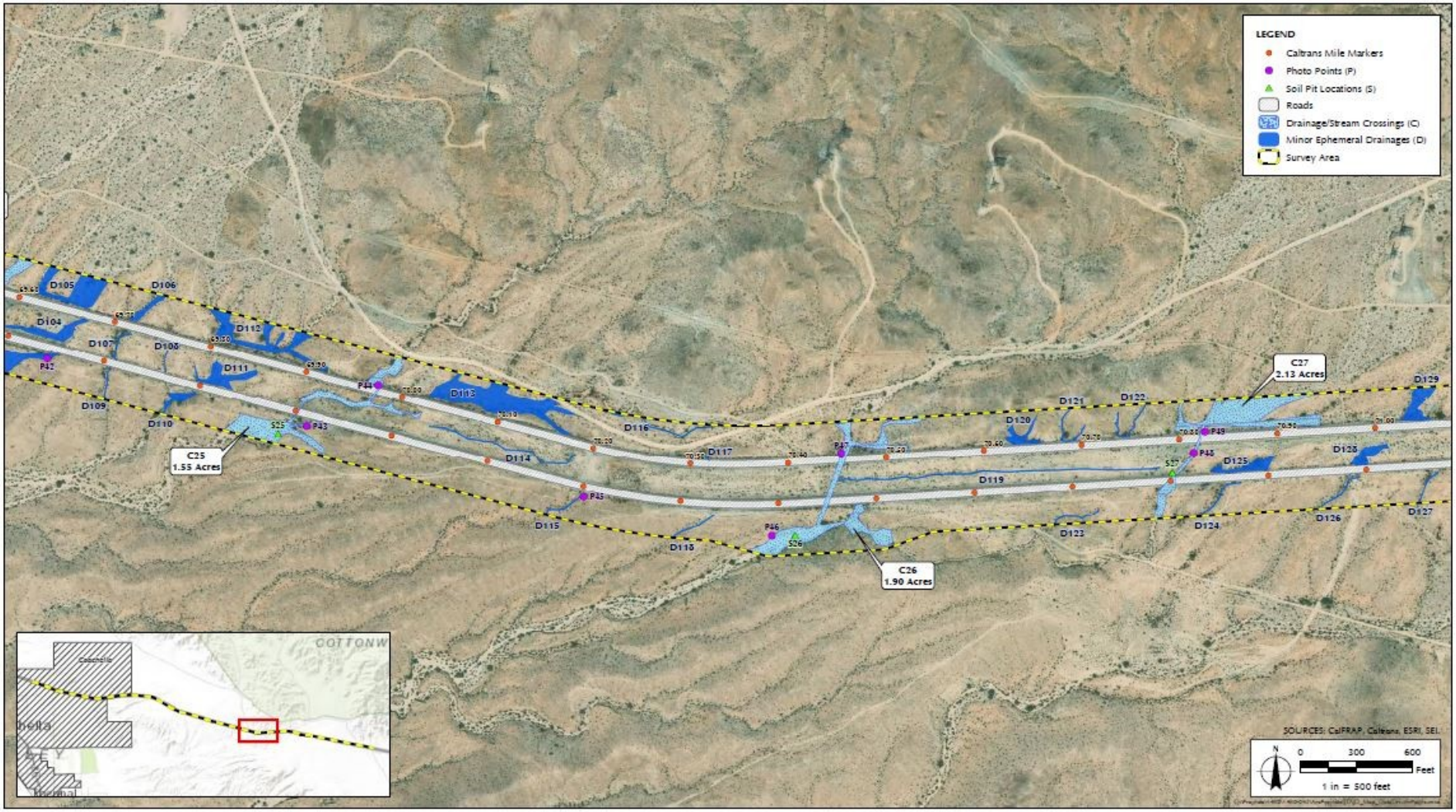
Figure 8
Section 6 Map



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Date prepared: November 13, 2018

Figure 9
Section 7 Map

Prepared by: Kirstin Rochel, Sapphos Environmental, Inc.
Date prepared: November 13, 2018

Figure 10
Section 8 Map

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Date prepared: November 13, 2018

Figure 11
Section 9 Map

Attachment B
Receiving Waters, Impact, and Mitigation Information

Receiving Waters

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Unit	Receiving Water	Receiving Water Beneficial Uses	303d Listing Pollutant	eCRAM ID
No	C002[10]	Polaris Wash	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P)[11], AGR, GWR, REC1[12], REC2[13], WARM, WILD, RARE[14]	None	N/A
No	C006	Echo Ditch	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A

[10] Please refer to Attachment A of this Order for maps of impact sites.

[11] A potential beneficial use.

[12] Unauthorized use.

[13] Unauthorized use.

[14] Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis is upon the California Department of Fish and Wildlife on its own initiative and/or at the request of the Regional Water Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Water Board.

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Unit	Receiving Water	Receiving Water Beneficial Uses	303d Listing Pollutant	eCRAM ID
No	C009	Smoky Gulch	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A
No	C012	Sunny Gulch	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A
No	C017	Brown Arroyo	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A
No	C032	West Cactus Wash	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A
No	C033	Cactus Wash	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Unit	Receiving Water	Receiving Water Beneficial Uses	303d Listing Pollutant	eCRAM ID
No	C034	East Cactus Wash	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A
No	C036	Hazy Gulch	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A
No	A001-A020, B001-B026, C001-C037, D001-D141[15]	Unnamed	Wash (ephemeral stream)	719 (Whitewater)	Coachella Canal	MUN(P), AGR, GWR, REC1, REC2, WARM, WILD, RARE	None	N/A

[15] Attachment B, Table 2 includes the locations and impact quantities for each of the 98 unnamed ephemeral stream channels impacted by the Project.

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
A001	33.680143°	-115.971907°	No	N/A	N/A	0.00349 / 63	N/A
A002	33.680475°	-115.976876°	No	N/A	N/A	0.0229 / 167	N/A
A003	33.687524°	-116.029348°	No	N/A	N/A	0.111 / 250	0.000574 / 4
A004	33.686372°	-116.025416°	No	N/A	N/A	0.0102 / 42	N/A
A005	33.701959°	-116.120150°	No	N/A	N/A	0.00960 / 60	0.000497 / 4
A007	33.704671°	-116.134566°	No	N/A	N/A	0.00353 / 40	N/A
A008	33.703631°	-116.131467°	No	N/A	N/A	0.000864 / 39	N/A
A009	33.684648°	-116.022192°	No	N/A	N/A	0.000341 / 8	N/A
A011	33.700235°	-116.116261°	No	N/A	N/A	0.00320 / 17	N/A

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
A012	33.700035°	-116.115607°	No	N/A	N/A	0.00111 / 28	N/A
A015	33.699713°	-116.113699°	No	N/A	N/A	0.00277 / 31	0.000037 / 4
A016	33.683292°	-116.016003°	No	N/A	N/A	0.000938 / 9	N/A
A017	33.682940°	-116.014571°	No	N/A	N/A	0.00376 / 35	N/A
A020	33.700203°	-116.116070°	No	N/A	N/A	0.00239 / 12	N/A
B001	33.676095°	-115.947971°	No	N/A	N/A	0.278 / 472	N/A
B002	33.679894°	-115.991455°	No	N/A	N/A	0.0145 / 105	N/A
B005	33.692784°	-116.050129°	No	N/A	N/A	0.00321 / 23	N/A
B009	33.698766°	-116.099916°	No	N/A	N/A	0.0250 / 107	0.000465 / 5
B010	33.699564°	-116.073507°	No	N/A	N/A	0.00456 / 56	0.000019 / 3

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
B011	33.697254°	-116.061586°	No	N/A	N/A	0.0292 / 112	N/A
B012	33.690308°	-116.045645°	No	N/A	N/A	0.00107 / 15	N/A
B013	33.689942°	-116.043315°	No	N/A	N/A	0.00322 / 34	N/A
B014	33.689214°	-116.040385°	No	N/A	N/A	0.0112 / 82	N/A
B015	33.688909°	-116.039191°	No	N/A	N/A	0.00736 / 72	N/A
B017	33.688667°	-116.038242°	No	N/A	N/A	0.00159 / 20	N/A
B018	33.688515°	-116.037715°	No	N/A	N/A	0.000014 / 3	N/A
B019	33.687965°	-116.035539°	No	N/A	N/A	0.00510 / 51	N/A
B021	33.686747°	-116.030934°	No	N/A	N/A	0.00205 / 14	N/A
B022	33.686521°	-116.030163°	No	N/A	N/A	0.0348 / 125	N/A

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
B024	33.700806°	-116.119475°	No	N/A	N/A	0.000010 / 2	N/A
B026	33.687419°	-116.033450°	No	N/A	N/A	0.000002 / 1	N/A
C001	33.706545°	-116.137939°	No	N/A	N/A	0.00345 / 42	N/A
C002	33.705156°	-116.133109°	No	N/A	N/A	0.186 / 221	0.160 / 516
C003	33.704158°	-116.130078°	No	N/A	N/A	0.00724 / 22	0.148 / 196
C004	33.703541°	-116.128330°	No	N/A	N/A	0.00577 / 37	0.065/210
C005	33.703357°	-116.127636°	No	N/A	N/A	0.129 / 382	0.138 / 156
C006	33.702565°	-116.123278°	No	N/A	N/A	0.235 / 285	0.243/357
C007	33.701767°	-116.118971°	No	N/A	N/A	0.0470 / 97	0.028/107
C008	33.700605°	-116.112593°	No	N/A	N/A	0.114 / 222	0.00165 / 8

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
C009	33.699154°	-116.105451°	No	N/A	N/A	1.307 / 1,103	0.390 / 641
C010	33.699363°	-116.087257°	No	N/A	N/A	0.0158 / 147	0.00170 / 13
C011	33.699288°	-116.070053°	No	N/A	N/A	0.0268 / 94	N/A
C012	33.698594°	-116.061813°	No	N/A	N/A	0.842 / 671	0.301 / 1,162
C013	33.695542°	-116.055665°	No	N/A	N/A	0.0252 / 149	0.0424 / 108
C014	33.690908°	-116.042863°	No	N/A	N/A	0.0162 / 46	N/A
C017	33.687154°	-116.028560°	No	N/A	N/A	0.594 / 553	0.244 / 391
C018	33.686035°	-116.024270°	No	N/A	N/A	0.0127 / 72	0.027/137
C019	33.685639°	-116.022180°	No	N/A	N/A	0.0308 / 88	0.051/117
C021	33.684870°	-116.018293°	No	N/A	N/A	0.0398 / 86	0.0226 / 80

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
C022	33.684250°	-116.016478°	No	N/A	N/A	0.0174 / 34	N/A
C023	33.683640°	-116.012983°	No	N/A	N/A	0.0167 / 67	0.027/85
C024	33.682583°	-116.008438°	No	N/A	N/A	0.0324 / 106	0.046/136
C025	33.680881°	-116.000638°	No	N/A	N/A	0.00765 / 32	0.266/692
C026	33.679147°	-115.992534°	No	N/A	N/A	0.0628 / 156	0.000334 / 4
C027	33.680171°	-115.986079°	No	N/A	N/A	0.0328 / 127	0.0133 / 133
C028	33.680081°	-115.978588°	No	N/A	N/A	0.00778 / 31	0.051/138
C029	33.679365°	-115.967791°	No	N/A	N/A	0.0241 / 90	0.024/96
C030	33.678938°	-115.962604°	No	N/A	N/A	N/A	0.012/51
C031	33.677708°	-115.958153°	No	N/A	N/A	0.0662 / 126	0.0383 / 116

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
C032	33.676307°	-115.949964°	No	N/A	N/A	0.0751 / 124	0.159 / 466
C033	33.675601°	-115.945738°	No	N/A	N/A	0.260 / 194	0.232 / 472
C034	33.674935°	-115.941514°	No	N/A	N/A	0.454 / 822	0.134 / 727
C035	33.673707°	-115.935030°	No	N/A	N/A	0.0739 / 183	0.00600 / 75
C036	33.674337°	-115.938017°	No	N/A	N/A	0.599 / 926	0.198 / 726
C037	33.672071°	-115.923802°	No	N/A	N/A	0.0816 / 237	N/A
D001	33.707568°	-116.142190°	No	N/A	N/A	0.00604 / 33	N/A
D002	33.707144°	-116.141539°	No	N/A	N/A	0.0109 / 90	0.000749 / 5
D008	33.704581°	-116.131313°	No	N/A	N/A	0.00756 / 30	0.0172 / 80
D011	33.704566°	-116.132236°	No	N/A	N/A	0.0144 / 121	0.000266 / 10

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
D017	33.701458°	-116.117620°	No	N/A	N/A	0.0499 / 59	0.0488 / 281
D018	33.701411°	-116.116494°	No	N/A	N/A	0.00715 / 20	N/A
D020	33.700967°	-116.114348°	No	N/A	N/A	0.0457 / 144	0.000574 / 4
D021	33.699822°	-116.114721°	No	N/A	N/A	N/A	0.038/40
D026	33.699790°	-116.108293°	No	N/A	N/A	0.212 / 102	0.000524 / 7
D030	33.697712°	-116.102496°	No	N/A	N/A	0.0243 / 149	0.000964 / 8
D032	33.698695°	-116.092667°	No	N/A	N/A	0.00956 / 61	0.000267 / 4
D035	33.700397°	-116.087734°	No	N/A	N/A	0.0201 / 96	N/A
D048	33.700115°	-116.067783°	No	N/A	N/A	0.000382 / 8	N/A
D053	33.699003°	-116.062592°	No	N/A	N/A	0.141 / 418	0.00336 / 22

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
D055	33.692267°	-116.051448°	No	N/A	N/A	0.000590 / 20	N/A
D057	33.691931°	-116.049293°	No	N/A	N/A	0.0145 / 128	0.0370 / 155
D065	33.689778°	-116.038476°	No	N/A	N/A	0.0294 / 192	0.00162 / 23
D071	33.688198°	-116.036480°	No	N/A	N/A	0.00196 / 22	N/A
D073	33.687630°	-116.034262°	No	N/A	N/A	0.00678 / 60	0.000418 / 8
D077	33.687973°	-116.033426°	No	N/A	N/A	N/A	0.015/70
D078	33.688658°	-116.033780°	No	N/A	N/A	0.0171 / 121	0.000424 / 9
D079	33.688411°	-116.032866°	No	N/A	N/A	0.0107 / 87	0.000574 / 6
D080	33.688057°	-116.031677°	No	N/A	N/A	0.00805 / 55	0.000434 / 9
D081	33.687586°	-116.031987°	No	N/A	N/A	N/A	0.039/180

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
D082	33.687140°	-116.032354°	No	N/A	N/A	0.00504 / 14	N/A
D086	33.685452°	-116.021236°	No	N/A	N/A	0.00689 / 29	N/A
D087	33.685226°	-116.019802°	No	N/A	N/A	0.00749 / 52	0.000359 / 5
D088	33.684615°	-116.020088°	No	N/A	N/A	N/A	0.020/110
D089	33.684206°	-116.020194°	No	N/A	N/A	0.00527 / 30	N/A
D103	33.681204°	-116.006562°	No	N/A	N/A	0.00807 / 85	0.000574 / 6
D105	33.682150°	-116.006462°	No	N/A	N/A	0.0433 / 146	0.000396 / 6
D107	33.681779°	-116.004962°	No	N/A	N/A	0.0257 / 118	0.0348 / 196
D110	33.680624°	-116.003991°	No	N/A	N/A	0.0121 / 125	0.000106 / 5
D112	33.681287°	-116.002390°	No	N/A	N/A	0.0106 / 68	N/A

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Temporary Dredge Impacts	Permanent Dredge Impacts	Temporary Fill/Excavation Impacts (acre / linear feet)	Permanent Fill/Excavation Impacts (acre / linear feet)
D113	33.680535°	-115.998710°	No	N/A	N/A	0.0281 / 116	0.00384 / 6
D115	33.679103°	-115.997041°	No	N/A	N/A	0.00176 / 17	N/A
D117	33.679818°	-115.994626°	No	N/A	N/A	0.00804 / 97	N/A
D129	33.680344°	-115.982396°	No	N/A	N/A	0.0225 / 60	N/A
D132	33.680329°	-115.973220°	No	N/A	N/A	0.00425 / 21	0.063/409
D135	33.679652°	-115.969218°	No	N/A	N/A	0.00592 / 38	N/A
D139	33.676938°	-115.953117°	No	N/A	N/A	0.140 / 422	0.000917 / 15
D141	33.673632°	-115.933709°	No	N/A	N/A	0.0312 / 67	N/A

Compensatory Mitigation

Table 3: Compensatory Mitigation

Aquatic Resource Type	Compensatory Mitigation Type[16]	Establishment	Re-establishment	Rehabilitation	Enhancement	Preservation
Riparian Zones	MB	N/A	N/A	4.23 acres	N/A	N/A

The Permittee has provided compensatory mitigation for impacts to waters of the state via a mitigation bank by purchasing rehabilitation credits from the San Luis Rey Mitigation Bank.

[16] Compensatory mitigation types may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR).

Attachment C
CEQA Findings

A. Introduction

On September 17, 2020, Caltrans as lead agency adopted an initial study/mitigated negative declaration (IS/MND) for the Project (State Clearinghouse [SCH] No. 2020029024) and filed a Notice of Determination (NOD) with the SCH on September 25, 2020.

The Colorado River Basin Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the Caltrans environmental documents comport with the requirements of CEQA and are valid (Public Resources Code, §§ 21080.1(a), 21167.2). The Colorado River Basin Water Board has reviewed and considered the environmental documents and finds that the environmental documents prepared by Caltrans address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental documents include the mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the approved IS/MND, Avoidance, Minimization, and/or Mitigation Measures, and other supplemental documentation.

The approved IS/MND is incorporated herein by reference. An electronic copy of the IS/MND is available at the SCH website:

SCH Number 2020029024 (ca.gov)

Requirements under the purview of the Colorado River Basin Water Board in the IS/MND are incorporated herein by reference.

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

C. Findings and Determination

The IS/ MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. Having considered the whole of the record, the Colorado River Basin Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources, when implemented in accordance with the mitigation measures required in the IS/MND and the conditions in this Order. (Cal. Code 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 must be signed and certified as follows:
   a. For a corporation, by a responsible corporate officer of at least the level of vice-president.
   b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
   c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
   a. The authorization is made in writing by a person described in items 1.a through 1.c above.
   b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
   c. The written authorization is submitted to the Colorado River Basin Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

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

Attachment E
Reporting Requirements

Copies of this Form
In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet, you may download a copy of this Order as follows: **1.** Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.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 (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued. b. **Part B (Project Status Notifications):** Used to notify the Colorado River Basin Water Board of the status of the Project schedule that may affect Project billing. **c. Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports. **2.** Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type. **3. Electronic Report Submittal Instructions:** a. Submit signed Report and Notification Cover Sheet and required information via email to: coloradoriver@waterboards.ca.gov and cc: Logan.Raub@waterboards.ca.gov b. Include in the subject line of the email: Subject: ATTN: Click here to enter textLogan Raub; Reg. Measure ID: 449090_Report

Definition of Reporting Terms

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

Map/Photo Documentation Information

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

1. **Map Format Information:**
   Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):
   - **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
   - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
   - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
   - Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions

REPORT AND NOTIFICATION COVER SHEET

Project:	1C081 Interstate 10 Pavement Rehabilitation Project
Permittee:	California Department of Transportation
WDID No.:	7A333246001
Reg. Meas. ID:	449090
Place ID:	883097
Order Effective Date:	May 27, 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

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 Name[17]	**Affiliation and Job Title**
Signature	**Date**

I hereby authorize _____ to act on 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.**

[17] 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	On the 15th day of every month until a Notice of Project Complete Letter is issued to the Permittee.
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[18]). If construction has not started, provide estimated start date. **2. Event Summary** Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. **3. Photo Summary** Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. **4. Compliance Summary** **a)** List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.

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

	b) List associated monitoring reports for the reporting period. **c)** Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. **d)** Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

Report Type 2	**Annual Report**
Report Purpose	Notify the Colorado River Basin Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on December 31st. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
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: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts **<u>During the Post-Discharge Monitoring Period</u>** • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts

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.** If applicable: **a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below). **b.** Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	**Mitigation for Temporary Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	**1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.** **2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	**Compensatory Mitigation for Permanent Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	**Part B. Mitigation Bank or In-Lieu Fee** **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.

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 storm water Notice of Termination(s), if applicable. **2.** Status of post-construction storm water BMP installation. **3.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. **4.** Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. **5.** An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 5	Request for Notice of Project Complete Letter
Report Purpose	Notify Colorado River Basin Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	**Part A: Mitigation for Temporary Impacts** **1.** A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. **2.** A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. **Part B: Permittee Responsible Compensatory Mitigation** **3.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. **4.** Status on the implementation of the long-term maintenance and management plan and funding of endowment. **5.** Pre- and post-photo documentation of all compensatory mitigation sites. **6.** Final maps of all compensatory mitigation areas (including buffers). **Part C: Post-Construction Storm Water BMPs** **7.** Date of storm water Notice of Termination(s), if applicable. **8.** Report status and functionality of all post-construction BMPs.

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 compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event 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) working 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 10 working 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[19] 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 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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

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.

I. General Justification for Section XII 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.

II. Specific Justification for Section XII 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**
   c. **Other Reporting**
2. **Project Status Notifications**
   a. **Commencement of Construction**
   b. **Request for Notice of Completion of Discharges Letter**
   c. **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

1. 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.

2. Violation of Compliance with Water Quality Standards

3. 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.

4. 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.

5. Transfer of Property Ownership

6. 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

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

The condition under Section D.3 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).

4. 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 G.1 through G.4 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. Hazardous Materials

The conditions G.5 through G.7 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

Condition G.8 is 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. Sediment Control

5. Stabilization/Erosion Control

Conditions G.9 through G.11 are related to erosion and sediment control design requirements and 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).

6. Stormwater

Conditions G.12 through G.14 are related to erosion and sediment control requirements and 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. Compensatory Mitigation for Permanent Impacts

1. Total Required Compensatory Mitigation
2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

Conditions H.1 and H.2 are regarding compensatory mitigation for permanent impacts to ensure permanent physical loss and permanent ecological degradation of waters of the state are adequately mitigated. These conditions are necessary to ensure compliance with state and federal anti-degradation policies and are consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the water boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These compensatory mitigation conditions are also consistent with Executive Order W-59-93 commonly referred to as California's "No Net Loss" Policy for wetlands. The objective of the No Net Loss Policy is to ensure no overall net loss of and a long term net gain in the quantity, quality, and permanence of wetland acreage and values in California. Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

1. Restoration of Temporary Impact Areas

Condition I 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.).