CALIFORNIA
Water Boards

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GOVERNOR

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

October 25, 2018

Ms. Barbara McGahey
California Department of Transportation, District 12
1750 East 4th Street
Santa Ana, CA 92704

Dear Ms. McGahey:

RE: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE I-5 WIDENING PROJECT – MEASURE 2 PROJECT C (SWRCB FILE #SB18018IN)

Enclosed please find a CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER, authorized by State Water Resources Control Board Executive Director Eileen Sobeck. This Order is issued to the California Department of Transportation, District 12 (Caltrans) for the I-5 Widening Project (Project), also known as Orange County Measure 2 Project C. Attachments A through F of the enclosure are also part of the Order.

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

If you require further assistance, please contact me by phone at (916) 558-1709 or by email at Clifford.Harvey@waterboards.ca.gov. You may also contact Beth Payne, Chief of the Water Quality Certification Unit, by phone at (916) 341-5579 or email at Elizabeth.Payne@waterboards.ca.gov.

Sincerely,

Cliff Harvey

Cliff Harvey
Environmental Scientist
Division of Water Quality – Water Quality Certification Unit
State Water Resources Control Board

Enclosures (1): Order for I-5 Widening Project, Orange County Measure 2 Project C, and Attachments
cc: see next page

cc: [Via email only] (w/ enclosure):

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WATER QUALITY ORDER NO. 2018-0026-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 10-25-2018

Program Type: Fill/Excavation

Reg. Meas. ID:	420420
Place ID:	846098
SWRCB ID:	SB18018IN
USACOE#:	SPL-2018-00129-TDK

Project Type: Roads and Highways

Project: Interstate Highway 5 Widening Project – Measure M2 Project C (Project)

Applicant: California Department of Transportation – District 12

Applicant Contact: Barbara McGahey
Project Manager
California Department of Transportation – District 12
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Phone: (657) 328-6334
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Applicant's Agent: Blake Selna, Principal/Biologist
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State Water Board Staff: Cliff Harvey, Environmental Scientist
State Water Resources Control Board
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State Water Board Contact Person:
If you have any questions, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Water Quality Certification Unit Program Manager.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) and attachments A through F is issued at the request of the California Department of Transportation – District 12 (herein after Permittee, or Caltrans) for the Interstate Highway 5 (I-5) Widening Project – Measure M2 Project C (Project). This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on September 5, 2018. The application was deemed complete on September 6, 2018.

State Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 1).

Table 1 Record of Supplemental Application Information

Date of Request for Supplemental Information	Date all requested information was received.
9/6/2018	9/21/2018

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from September 17, 2018 to October 8, 2018. The State Water Board did not receive any comments during the comment period. Public notice regarding the IS/ND is described in Attachment A, CEQA Findings of Facts.

III. Project Purpose

The purpose of the Project is to improve both existing and forecasted mainline congestion on I-5 from SR-73 to El Toro Road, and to improve interchange operations.

IV. Project Description

Caltrans, in cooperation with Orange County Transportation Authority (OCTA) proposes to widen I-5 in Orange County, along an approximate 6.5-mile segment which would add one additional general purpose lane from Avery Parkway to Alicia Parkway and would extend the second High Occupancy Vehicle (HOV) lane from Alicia Parkway to El Toro Road. The Project also includes construction and re-construction of auxiliary lanes, interchanges, ramps, and other structures.

V. Project Location

The Project is located along approximately 6.5 miles of I-5, extending from 0.5 miles south of State Route 73 (SR-73) to 0.2 miles north of El Toro Road within the city of Mission Viejo, Orange County, California (approx. centroid Latitude/Longitude 33.5744°, -117.6722°). Maps showing the Project location are found in Attachment B of this Order.

The Project is also known as "Project C" of the Orange County Measure M2 (M2) Freeway Program. The Project lies within the jurisdiction of the San Diego Regional Water Quality Control Board. However, because the overall M2 Freeway Program includes thirteen freeway improvement projects throughout Orange County that occur within the jurisdictions of the Santa

Ana and San Diego Regional Water Quality Control Boards, the State Water Board is issuing this Order as one part of a multi-regional program of action. The M2 Freeway Program's projects are to be regulated under a single CWA section 404 permit through Letters of Permission (LOP) Procedures administered by the Los Angeles District of the U.S. Army Corps of Engineers (Corps).

VI. Project Impact and Receiving Waters Information

Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plans include 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.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment C. Table 1 of Attachment C shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment C.

VII. Description of Direct Impacts to Waters of the State

Project activities will cause temporary and permanent impacts to waters of the state.

At Aliso Creek, bridge construction, construction of pier walls, bike trail sections, and in-channel modifications will require the discharge of approximately 907 cubic yards of concrete to waters of the state. Construction of the bridge will require the excavation of existing rip-rap to a depth of 10 feet. Relocation of a 42-inch diameter water pipeline and dewatering will also be necessary. A creek diversion basin within Caltrans' right-of-way and upstream of the bridge will be created. Permanent impacts consist of placing new concrete in areas that currently contain earthen bottom. The Project at Aliso Creek would result in permanent and temporary impacts to stream channels (in-channel non-wetland and in-channel wetland waters of the U.S. and state).

At Oso Creek, including La Paz channel which drains into Oso Creek within the Oso Creek Project area, permanent impacts include construction of pier walls and a new headwall for expansion of the existing bridge will require the discharge of approximately 80 cubic yards of concrete within the streambed. Temporary impacts include approximately 1,232 cubic yards of riprap to be placed in waters of the state at Oso Creek that are already concrete-lined and/or contain grouted riprap. Additionally, construction site dewatering is expected. The Project at Oso Creek will result in permanent and temporary impacts to streams and wetland areas (in-channel wetlands below the Ordinary High Water Mark (OHWM) and non-wetland waters of the state), and to adjacent riparian areas.

Additional permanent and temporary impacts to streams would occur at three anthropogenic channels that are waters of the state. These currently serve as drainage for the existing

freeway. Existing stormwater channels will be removed and replaced with new channels and basins designed to meet current Caltrans stormwater treatment standards.

Total Project fill/excavation quantities for all impacts are summarized in Table 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 2: Total Project Fill/Excavation Quantity[1]

Aquatic Resource Type	Temporary Impact[2]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/ estuary									
Riparian Zone	0.452		1205				0.112		1341
Stream Channel	0.811		809				0.112		174
Vernal Pool									
Wetland									

VIII. Description of Indirect Impacts to Waters of the State

No significant indirect impacts to waters of the state are reported or expected to be associated with the Project.

IX. Avoidance and Minimization

Avoidance and minimization measures and best management practices (BMPs) are based on the provisions of the OCTA M2 Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). In addition, the Project shall be conducted in compliance with the Caltrans' Storm Water Management Plan (SWMP), which details the BMP categories that are used to meet the Maximum Extent Practicable (MEP) requirements for the Project. Measures include pre- and post-construction stormwater management measures, spill prevention and response plans, "housekeeping" requirements, invasive plant management measures, and wildlife protection measures. Season of operation limits are in place to avoid specified activities, including dewatering and construction diversions in wetlands, during the rainy season (October 15 through June 1). In addition, worker training will be required, and qualified monitors will be assigned to observe and document compliance with all Project environmental protection measures.

[1] Cubic Yards (CY); Linear Feet (LF)

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

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation described in section XIV.J for temporary impacts that have temporal loss and/or degradation of ecological condition. Compensatory mitigation for temporary impacts that cause temporal loss and/or degradation of ecological condition is provided through restoration and revegetation of temporary impact sites.

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section XIV.J for permanent impacts. All compensatory mitigation for the Project will be provided through the Orange County Measure M2 Environmental Mitigation Program (M2 EMP).

The Permittee is proposing to implement permittee-responsible mitigation at the Aliso Creek Mitigation Site within the Aliso and Wood Canyons Wilderness Park (AWCWP) for impacts at Aliso Creek, under the Aliso Creek Habitat Mitigation and Monitoring Plan (HMMP).

The Permittee is proposing to implement permittee-responsible mitigation at the Trabuco Rose Preserve for non-wetland and in-channel-wetland stream impacts at Oso Creek. Mitigation at Trabuco Rose Reserve is required for impacts within the US Army Corps of Engineers Special Aquatic Management Plan, and is to be implemented under the Ferber Ranch Resource Management Plan (RMP). Ferber Ranch was renamed Trabuco Rose Reserve since RMP finalization in September, 2017.

The rehabilitation and enhancement mitigation at the Aliso Creek Mitigation Site has been approved in advance through issuance of the Corps CWA section 404 permit that established the Corps LOP Procedures. Work was authorized under Regional General Permit No. 41. This mitigation activity has been initiated and is currently on-going.

The preservation mitigation at Trabuco Rose has been approved in advance through issuance of the Corps 404 permit that established the Corps LOP Procedures. Site monitoring has been initiated and is ongoing.

XI. California Environmental Quality Act (CEQA)

On May 6, 2014, the Permittee, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2013091026) for the Project and filed a Notice of Determination (NOD) at the SCH on August 27, 2014. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment A.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the 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.

XIII. Fees Received

An application fee of $1,500.00 was received on February 22, 2018. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and

2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of $10,746.00 based on total Project impacts was received on September 21, 2018.

XIV. Conditions

The State Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds 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 state shall not exceed quantities shown in Table 2.

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 D, 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 D, 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 State Water Board on the 15th day of the month following each reporting period. Monthly reporting shall continue until the State Water Board issues a Notice of Project Complete Letter to the Permittee.

b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on or before January 18 each year. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

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 State Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, State Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,[3] and no further Project activities will occur. This request shall be submitted to State Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the State Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials[4]

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
- Lastly follow the required OES procedures as set forth in: http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

ii. Following notification to OES, the Permittee shall notify State 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 State 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 State 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.

[3] Completion of post-construction monitoring shall be determined by State Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

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

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

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

c. In-Water Work

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

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

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to State 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 State Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of 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 State Water Board in accordance with the following terms:

i. The Permittee must notify the State 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 State Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the State Water Board to be named as the permittee in a revised order.

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

f. Transfer of Long-Term BMP Maintenance

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the State 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 State 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:** When active construction is in progress in or immediately adjacent to delineated waters of the state, and when flowing, ponded or standing water is present in the permitted work area, all Project personnel shall (a) be trained to be aware of any apparent changes to water quality, and (b) immediately report any observed sediment plumes, surface sheen, uncured concrete, odors or similar indicators of water pollution to Project supervisors or environmental monitors.

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

3. **In-Water Work or Diversions:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to State 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.

4. **Post-Construction:** Visually inspect the work areas permitted by this Order that are in or immediately adjacent to delineated waters during the rainy season following completion of all construction activities for two years or, for fully paved impact sites, until all disturbed areas are returned to a paved or hardened state, to ensure that erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If a discharge is occurring, the Permittee shall immediately commence remedial actions, and shall contact the State Water Board designated staff contact person within three (3) working days. The State 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 State Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the State 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 assure 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 assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the State 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, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program presented as Appendix F to the IS/MND, *Minimization and/or Mitigation Summary/Environmental Commitment Record*, which is incorporated herein by reference and any additional measures as outlined in Attachment A, CEQA Findings of Fact.

7. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water

Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

The Project shall also be conducted in compliance with the Caltrans' SWMP, which details the BMP categories that are used to meet the MEP requirements for the Project.

8. The Permittee shall oversee the work of the contractor during implementation of the Project, to ensure that the work is being done in accordance with the plans, and with conditions of this Order.

9. **Clean Water Act Section 408 Compliance:** The Permittee shall provide documentation that a CWA section 408 determination has been obtained from the Corps before commencement of work in or adjacent to any streams subject to section 408 restrictions.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E 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 State Water Board staff, San Diego Regional Water Quality Control 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 State Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

In-Water Work Conditions

1. In-water work activities must not cause water quality objectives of the receiving waters to be exceeded. The term "in-water work" means any ground disturbing activities in any delineated waters of the state that are authorized under this Order, regardless of the presence of flowing or standing water. Work in water commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete.

2. Areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity in or adjacent to delineated waters of the state which may result in a discharge to surface waters of the state, including ponded water, shall be dewatered and/or isolated from surface waters before the activity starts. Appropriate BMPs shall be used for placement, operation and removal of diversion or isolation structures (e.g. diversion weirs, cofferdams). If a General Order regulating these activities is promulgated by the Regional Water Quality Control Board, the Permittee shall comply with this condition through enrollment in that General Order, and through notification to the State Water Board of that enrollment.

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

4. Disturbed in-water work areas must be temporarily stabilized to prevent erosion at least 48 hours prior to the predicted commencement of a rainfall event that is forecast to bring greater than one-half inch of precipitation with a greater than a 50 percent probability of occurrence, as predicted by the National Oceanic and Atmospheric Administration (NOAA) - National Weather Service. If the predicted commencement of such a rainfall event is less than 48 hours after the prediction is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

5. All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season.

6. Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval from the State Water Board:

   a. When work in standing or flowing water is required, structures used to isolate the in-water work area and/or diverting the water flow (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized, whether that removal is for seasonal work cessation or for permanent removal at the end of the Project.

   b. The diverted water flow must not be contaminated by construction activities.

   c. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion.

   d. Coffer dams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.

   e. Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-project flows must be restored to the affected surface water body upon completion of work at that location.

7. If groundwater dewatering is required for the Project, the Permittee shall enroll in the San Diego Regional Water Quality Control Board's Order R9-2015-0013, NPDES No. CAG919003 General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region. If additional Regional Water Board permits relating to dewatering are required, the designated State Water Board contact person identified in this Order must be notified and copied on pertinent correspondence pertaining to those other required permits.

8. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in sections XIV.B.3 above.

Directional Drilling

9. Horizontal Directional Drilling (HDD) and similar drilling operations may affect water quality; therefore, the following conditions shall apply to all drilling operations under waters of the state:

   a. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited.

b. A draft HDD or drilling plan shall be prepared and shall be subject to review by the State Water Board at least 30 days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by the State Water Board.

c. Release of bentonite, drilling muds, lubricants or any drilling compounds through fractures in the streambed or bank substrate during drilling is referred to as a "frac-out." Because of the potential for frack-outs to occur, the HDD or drilling plan shall include a frack-out response plan. The frac-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.

d. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that may be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structures (e.g., dam, flume, and screen).

e. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

f. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-outs. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential of frack-outs.

g. All drilling muds or compounds will be contained and properly disposed of after drilling activities are completed.

Hazardous Materials, Waste and Petroleum Products

10. Stationary equipment (motors, pumps, generators, etc.) and vehicles or equipment parked or in use in delineated waters shall be used only when unavoidable and shall be managed to ensure that no discharge of materials (oils, fuels, etc.) into waters of the state can occur.

11. Equipment working in delineated waters, including in areas protected by diversions, shall be removed from the delineated waters for fueling or service including maintenance whenever feasible. When use of stationary equipment that would require refueling or service in delineated waters is planned, BMPs for managing the additional risk posed by that refueling and service shall be developed and presented to the State Water Board staff for approval. Such BMPs should include any precautions as necessary to ensure potential spills and leaks do not result in a discharge into waters of the state.

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

13. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or

associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall, or otherwise discharged into waters of the state. When operations are completed, any excess material or debris shall be removed from the work area.

14. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by Project-related activities, shall be prevented from contaminating fill material and/or entering waters of the state.

15. Operation and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. All equipment using gas, oil, hydraulic fluid or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. At no time shall the Permittee use any vehicle or equipment that leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

16. Any maintenance or refueling of vehicles or equipment occurring on-site will be done in a designated area with secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills.

17. The Permittee shall retain a spill plan and appropriate spill control and clean up materials onsite in case spills occur. Construction personnel must be familiar with the plan and how to use the cleanup materials or kits.

18. On-site containment for storage of chemicals classified as hazardous shall include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.

Good Site Management "Housekeeping"

19. Except for temporary stockpiling of waste or spoils generated during construction operations ("temporary" in this instance means generated and removed during the same working day), waste materials shall not be placed in a manner where the materials may be washed by rainfall, or otherwise discharged into waters of the state.

20. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat; measures shall be employed to minimize disturbances along the channel that will adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

21. Where temporary impacts have not been approved, construction equipment, vehicles, and personnel must not enter waters of the state.

22. The Permittee must implement proposed BMPs as well as other applicable BMPs following the procedures in the current version, as of the effective date of this Order, of the Caltrans' "Construction Site Best Management Practices (BMPs) Manual" and/or "Standard Specifications." Revisions amendments, or updates of these manuals may be adopted for use by the Project, subject to State Water Board approval.

23. All construction-related equipment, materials, and any temporary BMPs no longer needed, shall be removed and cleaned from the site upon completion of the Project.

24. All imported riprap, rocks, and gravels used for construction shall be pre-washed.

Invasive Species and Soil Borne Pathogens

25. Imported fill material must be free of weed and invasive species seeds and live plants.

26. Equipment and machinery used for Project construction shall be inspected and cleaned of non-native invasive vegetation prior to on-site use.

27. The Permittee shall survey for the presence of invasive species within any disturbed work areas or access routes that are used for the Project and mitigation work and evaluate whether eradication efforts are necessary during the mitigation monitoring period. If invasive species are present on more than 5% of the overall disturbed areas during any given year of the mitigation monitoring period, then eradication measures shall be proposed in the annual report and follow-up monitoring shall be performed to ensure that any invasive species are limited to less than 5% of the disturbed area.

Special Status Species

28. The Permittee shall follow all conditions of other state and federal permits pertaining to special status species that may be affected by the Project.

H. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state.

To avoid erosion and invasive plant colonization, temporary impacts to concrete covered or paved areas that are to remain in a hardened state will be repaired in a timely manner so that unprotected bare soil will not remain exposed.

For impacts to unpaved, earthen areas within or adjacent to waters of the state, restoration methods and materials shall be described in a restoration plan. The restoration plan shall be submitted for written acceptance by State Water Board staff within 180 days of issuance of this Order, unless an extension is requested by the Permittee and approved by State Water Board staff. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; maintenance requirements (e.g. watering, weeding, and replanting) and a monitoring plan. Amount of mitigation for temporary impacts is shown in Section XIV.H, Table 3 (data in Table 3 combines impacts to earthen and lined channels).

2. The State Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by State Water Board Executive Director that the performance standards have not been met or are not likely to be met within the monitoring period.

3. Compensatory mitigation may be required for any permitted impact site (as listed in Attachment C, Table 2) where first-year restoration work for disturbed areas in, or immediately adjacent to, waters of the state is not completed within one year of completion of ground-disturbing activity at that permitted impact site (i.e., to offset temporal loss of aquatic resource functions or beneficial uses).

4. Temporary impacts to anthropogenic stormwater channels are expected to improve overall water quality of discharges to the receiving waters. Therefore, these temporary impacts are documented as being mitigated on-site/in-kind through installation of the new stormwater drainage channels and basins.

Table 3: Required Project Mitigation Quantity for Temporary Impacts

Aquatic Resource Type	Mit. Type[5]	Units	Method[6]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	PR	Acres			0.452			
Stream Channel	PR	Acres			0.811			

I. Compensatory Mitigation for Permanent Impacts[7]

1. **Final Compensatory Mitigation Plan** The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with M2 EMP. The M2 EMP was developed to provide a comprehensive, watershed-based compensatory mitigation approach for all of the Measure M2 Projects for all resources. Mitigation will be provided at the Aliso Creek Mitigation Site (within the Aliso and Wood Canyons Wilderness Park) and the Trabuco Rose Preserve (previously known as Ferber Ranch Reserve) as described in the HMMP for the Aliso Creek site and the Ferber Ranch RMP for the the Trabuco Rose mitigation site. Any deviations from, or revisions to, the M2 EMP, HMMP or RMP must be pre-approved by State Water Board staff. The monitoring periods prescribed in the HMMP shall continue until the State Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended. Trabuco Rose will be monitored as outlined in the RMP.

2. **Permittee-Responsible Compensatory Mitigation Responsibility**

   a. Permittee responsible compensatory mitigation installation was completed in advance of authorized impacts.

[5] Mitigation type for on-site restoration of temporary impacts is Permittee Responsible (PR).

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

[7] Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

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

i. Performance standards are met.

ii. A Transfer Agreement to a third party has been approved by State Water Board staff.

iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.

iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by State Water Board staff.

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

i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by State Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the State Water Board under Water Code section 13385, subdivision (a).

ii. Notification of transfer of responsibilities meeting the above condition must be provided to the State Water Board staff. A draft transfer agreement is due to State Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to State Water Board staff within 30 days of the completion of the transfer.

3. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the ecological degradation to streams, including in-channel wetlands, and riparian areas by allocation of mitigation capacity at the Aliso Creek Mitigation Site and the Trabuco Rose site as described in the Aliso Creek HMMP and the Ferber Ranch RMP, respectively.

b. Permanent impacts to anthropogenic stormwater channels are expected to improve overall water quality of discharges to the receiving waters. Therefore, these permanent impacts are documented as being mitigated on-site/in-kind through installation of the new stormwater drainage channels and basins.

c. Total required Project compensatory mitigation information for permanent degradation of ecological condition is summarized in Table 4.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition[8]								
Aquatic Resource Type	Comp Mit. Type[9]	Units	Method[10]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres			0.150	0.110	0.170	

J. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water resources. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the State Water Board has determined that any potential water resource impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

[8] For Staff use only: Record quantities in CIWQS mitigation/restoration table side B for mitigation for temporary impacts and for permanent degradation of ecological condition; ecological restoration/enhancement projects.

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

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

XV. Water Quality Certification

I hereby issue the Order for the I-5 Widening Project – Measure M2 Project C, SB18018IN certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

The State Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order.

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, the Regional Water Boards' Water Quality Control Plans and Policies.

Eileen Sobeck
Executive Director
State Water Resources Control Board

10/25/18
Date

Attachment A	CEQA Findings of Facts
Attachment B	Project Maps
Attachment C	Receiving Waters, Impact and Mitigation Information
Attachment D	Report and Notification Requirements
Attachment E	Signatory Requirements
Attachment F	Certification Deviation Procedures