State Water Resources Control Board

March 7, 2019

Chris Burner, Chief Project Officer
Metro Goldline Foothill Extension Construction
Authority
406 East Huntington Drive, Suite 202
Monrovia, CA 91016

Dear Mr. Burner:

RE: FOR THE METRO GOLDLINE FOOTHILL EXTENSION PROJECT PHASE 2B (SWRCB FILE SB18014IN)

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 Metro Goldline Foothill Extension Construction Authority (Authority) for the Metro Goldline Foothill Extension Project Phase 2B (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the Metro Goldline Foothill Extension Construction Authority 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) 341-5290 or by email at Clifford.Harvey@waterboards.ca.gov. You may also contact Jessica Nadolski, Chief of the Wetlands Permitting and Enforcement Unit, by phone at (916) 341-5290 or email at Jessica.Nadolski@waterboards.ca.gov.

Sincerely,

Paul K. Dai III
for

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

Enclosures (1): Order for Metro Goldline Foothill Extension Project Phase 2B
cc: See next page

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

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cc: (Continued)

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WATER QUALITY ORDER NO. 2019-0004-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: March 7, 2019

Program Type: Fill/Excavation

Reg. Meas. ID:	420205
Place ID:	845805
SWRCB ID:	SB18014IN
USACOE#:	SPL-2017-00779-VCL

Project Type: Railroads

Project: Metro Goldline Foothill Extension Project Phase 2B (Project)

Applicant: Metro Goldline Foothill Extension Construction Authority

Applicant Contact: Chris Burner, Chief Project Officer
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Email: cburner@foothillextension.org

Applicant's Agent: Kurt Kroner, Kroner Environmental
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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 Wetlands Permitting and Enforcement Program Manager.

Table of Contents

I. Order 3

II. Public Notice 3

III. Project Purpose 3

IV. Project Description 3

V. Project Location 4

VI. Project Impact and Receiving Waters Information 4

VII. Description of Direct Impacts to Waters of the State 4

VIII. Description of Indirect Impacts to Waters of the State 5

IX. Avoidance and Minimization 5

X. Compensatory Mitigation 5

XI. California Environmental Quality Act (CEQA) 5

XII. Petitions for Reconsideration 6

XIII. Fees Received 6

XIV. Conditions 6

XV. Water Quality Certification 19

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

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) with attachments A through F is issued at the request of Metro Goldline Foothill Extension (MGFE) Construction Authority (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on December 20, 2017. The application was deemed complete on October 16, 2018. Prior to receiving a complete application, State Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

Table 1: Record of Notice(s) of Incomplete Application	
Date of Notice of Incomplete Application	Date all requested information was received.
1/11/2018	10/16/2018

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 2).

Table 2 Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
1/11/2018, 5/16/2018	10/16/2018

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from March 29, 2018 to April 20, 2018. The State Water Board did not receive any comments during the comment period. Public notice regarding the EIR is described in Attachment A, CEQA Findings of Facts.

III. Project Purpose

The MGFE Construction Authority proposes to provide a direct light rail transit connection from the existing Metrolink light rail transit (LRT) system to the cities of Glendora, San Dimas, La Verne, Pomona, Claremont and Montclair. The Metro Gold Line LRT system currently extends from Los Angeles to Azusa serving cities and communities along the alignment corridor. The Project will continue the Metro Gold Line alignment for approximately 12.3 miles to the east from Azusa to Montclair.

IV. Project Description

The Project area is a transportation right-of-way (ROW) that is approximately 100 feet wide from the Azusa-Citrus Station to the City of Montclair Transportation Center (Transcenter). The total project area is approximately 123 acres and 65,000 linear feet.

The Azusa-Citrus Station is located near the intersection of Citrus Avenue and Foothill Boulevard, close to the eastern boundary of the City of Azusa. The Project continues to the

east and will include stations in the cities of Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair. The Montclair Transcenter is located at the corner of Monte Vista Avenue and Richton Street.

New LRT tracks will generally be constructed within the existing Metro ROW, so that any potentially jurisdictional resources that run parallel to the alignment would be avoided. In the eastern portion of the Project area, the LRT tracks will be placed adjacent to tracks currently used by freight trains and Metrolink commuter trains. To accommodate the new LRT tracks, bridges that span various waterways along the alignment will be constructed. This is not expected to result in any discharge of fill into these waterways.

The Project would replace/relocate the existing freight bridges/tracks that span Little Dalton Wash, Big Dalton Wash, San Dimas Wash, Puddingstone Channel, Marshall Canyon Channel, Live Oak Wash, Thompson Creek Wash and San Antonio Channel to accommodate additional dual track LRT bridges. Little Dalton Wash and Puddingstone Channel are completely underground where they intersect with the Project ROW. Permitted work areas include: bridge approach ramps, underlayment improvements, wing walls, fence relocations, areas underneath elevated structures and channel areas used only for equipment access.

V. Project Location

The eastern terminus of the project lies at the Azuza/Citrus Station, Azuza, CA (34.1368 ° north, -117.8916 ° west). The western terminus of the Project lies at Montclair Station, Montclair, CA (34.0940° north, -117.6954° west). A map showing the Project location is found in Attachment B of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdictions of the Los Angeles and Santa Ana Regional Water Quality Control Boards (collectively Regional Water Boards). 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

The Project would cause direct temporary impacts to waters of the state due to bridge construction, which includes worker activity and operation of project equipment and vehicles in affected streams and channels below the ordinary high water mark (OHWM), and in areas immediately adjacent to and above the OHWM. The project would also cause direct

permanent impacts to four (4) ephemeral drainages that cross under or occur alongside the Project ROW through extension of existing culvert crossings.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 3: 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
Stream Channel	0.192		445				0.076		500

VIII. Description of Indirect Impacts to Waters of the State

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Ground-disturbing activity will occur in areas above the OHWM at the eight waterbodies affected by the Project. These areas include steep or vertical channel walls, so any materials disturbed during construction activity would immediately enter waters of the state (and waters of the U.S.). Therefore, construction of the Project could cause indirect impacts to waters due to inadvertent release of leaks, spills, and construction waste.

IX. Avoidance and Minimization

Project avoidance measures include clear-spanning of all major channels and avoidance of in-channel construction where feasible. Ground-disturbing activity would be confined to areas beyond the tops of banks of the affected major channels; work in minor channels would entail extension of existing culverts only as needed to accommodate the widened Project ROW. Activity near and in all channels will be confined to planned work areas and would occur only during dry season conditions. Standard erosion control and waste management measures, including spill prevention and response measures, will be implemented in Project areas within or adjacent to waters of the state to prevent discharge of sediment or other pollutants to the channels.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct permanent impacts, described in section VII.

XI. California Environmental Quality Act (CEQA)

On March 16, 2016, the MGFE Construction Authority, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2010121069) for the Project and filed a Notice of Determination (NOD) at the SCH on March 16, 2016. 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. A record of subsequent supplementation documents and NODs is also included in Attachment A.

[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.

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 $600 was received on December 20, 2017. 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).

An additional fee of $900 was submitted on February 14, 2018. A final fee payment of $2,082 was received on December 10, 2018, for a total fee payment of $3,582.

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 applicable watersheds. 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 3.

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. Signatory Requirements are provided in Attachment E.

1. Project Reporting

a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the State Water Board by the 15th day after the end of each calendar month. 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 within 30 days from the anniversary of the Project effective date for each year throughout the life of the Project. . 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, 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.

[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.)

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.

   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 ten (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 best management practices (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 ten (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, 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 thirty (30) days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan. For work in the Santa Ana Water Quality Control Region, the plan may be documentation of enrollment in Order No. R8-2015-0004, National Pollutant Discharge Elimination System (NPDES) No. CAG998001, *General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality*.

4. **Post-Construction:** Visually inspect the delineated waters permitted by this Order at least once during the rainy season following completion of all construction activities for two (2) 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: 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 (MMRP) (Metro Gold Line Foothill Extension – Azusa to Montclair Project Mitigation Monitoring and Reporting Plan, February 2013) 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).

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, 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 Project authorized under this Order.

3. The Permittee shall grant State Water Board staff, Santa Ana and Los Angeles Regional Water Quality Control Boards staffs, 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. Department of Fish and Wildlife's Lake and Streambed Alteration Agreement – The Permittee shall submit copies of any sub-notifications to the lake and streambed alteration agreement to the State Water Board.

G. Construction Dewatering

1. **a**. For dewatering in areas subject to the jurisdiction of the Santa Ana Regional Water Board, (i.e., at San Antonio Channel or any affected uplands in that region), the Permittee shall comply with Water Quality Order R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (de Minimus) Threat to Water Quality (accessible at: https://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2015/R8-2015-0004_Updated_General_WDR_for_Discharges_to_Surface_Waters_that_Pose_an_Insignificant_Deminimis_Threat_to_WQ2.pdf). Discharges regulated under this Order include temporary construction diversions of flows around or across work areas in channels.

   b. For all other Project areas, if groundwater dewatering is required for the Project, the Applicant shall consult with the Regional Water Board to determine if additional permits are required. 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.

2. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in sections XIV.B.3.c and XIV.C.3 above. Monitoring requirements in general Orders described in XIVG.1 shall be used when applicable, in lieu of the requirements in sections XIV.B.3.c and XIV.C.3.

3. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the state to isolate the immediate work area.

4. All dewatering/diversion facilities shall be installed such that natural flow is maintained upstream and downstream of the Project area. Any temporary dams or diversions shall be installed such that the dewatering/diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the Project area.

5. All dewatering/diversion methods shall be removed immediately upon completion of dewatering/diversion activities.

6. Dewatering or diversion shall not commence until Permittee has obtained State Water Board approval of the dewatering/diversion plans.

In-Water Work Conditions

7. In-water work activities must not cause water quality objectives of the receiving waters to be violated. The term "in-water work" means any ground disturbing activities in any delineated waters of the state, including waters of the U.S., that are permitted 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.

8. 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). All dewatering devices or installations shall be removed immediately upon completion of activities for which diversions are needed.

9. 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 Applicant shall be responsible for restoration of conditions as necessary (as determined by the Water Boards) to allow passage of fish past the structure.

10. 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 fifty (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.

11. 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.

12. Unless the following conditions are met, 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.

Directional Drilling

13. Because Horizontal Directional Drilling (HDD) and similar drilling operations may affect water quality, 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 submitted to the State Water Board for review and approval at least thirty (30) days before planned 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 "frack-out." Because of the potential for frack-outs to occur, the HDD or drilling plan shall include a frack-out response plan. The frack-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 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 (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

14. Stationary equipment (motors, pumps, generators, etc.) and vehicles parked in delineated waters shall be positioned over drip pans or other types of containment. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained on site at all locations where such equipment is used or staged.

15. 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 for approval. Such BMPs should include any additional precautions necessary to minimize and contain any potential spills and leaks.

Good Site Management "Housekeeping"

16. 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 into waters of the state.

17. Waste materials shall not be placed within one-hundred and fifty (150) linear feet of waters of the state. Exceptions to the 150-foot limit may be granted on a case-by-case basis provided the Permittee first submits a proposal in writing to be approved by the State Water Board. The proposal must demonstrate that exception to the 150-foot limit at a specific location or during a specific time period is necessary and would not pose a threat to water quality.

18. 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.

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

20. 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."

21. 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.

22. 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.

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

Waste, Petroleum, and Hazardous Materials

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

25. 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 Certification, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the state. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within one-hundred and fifty (150) feet of the high water mark of any stream.

26. Any substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities shall be prevented from contaminating the soil and/or entering waters of the state.

27. 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 Applicant 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.

28. 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.

29. 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.

30. 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.

Invasive Species and Soil Borne Pathogens

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

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

33. The Permittee shall survey for the presence of invasive species within any disturbed 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 five percent (5%) of the overall disturbed area 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

34. 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, as shown in Table 4 below, to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge of waters of the state to pre-project conditions, as described in a restoration plan. The restoration plan shall be submitted for written acceptance by State Water Board staff within (ninety (90) days) of issuance of this Order. The restoration plan shall provide the following, as applicable to the individual temporary impact sites: a schedule; plans for grading of disturbed areas to pre-Project contours; invasive species management; performance standards; and maintenance requirements.

2. Implementation of the restoration plan shall commence within thirty (30) days of the end of ground-disturbing activity at each permitted work site in or adjacent to waters of the state described in Attachment C, Impacts and Receiving Waters.

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

4. If restoration of temporary impacts to waters of the state is not completed within ninety (90) days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

Table 4: Required Project Mitigation Quantity for Temporary Impacts[5]

Aquatic Resource Type	Mit. Type[6]	Units	Method[7]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres			0.192			
Stream Channel	PR	LF			445			

I. Compensatory Mitigation for Permanent Impacts[8]

1. Compensatory Mitigation Plan

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

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

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

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

a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by State Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by State Water Board staff. Upon acceptance by State Water Board staff, the Permittee shall implement the approved plan.

b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR § 230.94(c).

c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR § 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

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 State Water Board on November 28, 2018.

3. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.076 acres of stream channels, including delineated drainage channels, by purchasing 0.160 Aquatic Resource Credits in the Soquel Canyon Mitigation Bank Aquatic Resource Watershed Service Area.

b. Total required Project compensatory mitigation information for permanent degradation of ecological condition is summarized in Table 5.

Table 5: Required Project Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition[9]

Aquatic Resource Type	Comp Mit. Type[10]	Units	Method[11]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres				0.160		

[9] 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.

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

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

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 the environment. 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 environmental 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.

XV. Water Quality Certification

I hereby issue the Order for the Metro Goldline Foothill Extension Project Phase 2B, State Water Resources Control Board ID SB18014IN 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. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. 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, the Regional Water Boards' Water Quality Control Plans and Policies.

Eileen Sobeck
Executive Director
State Water Resources Control Board

3/7/17
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