

State Water Resources Control Board

CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION AND ORDER

Effective Date: June 13, 2018

Reg. Meas. ID: 402541

Place ID: 817463

Program Type: Fill/Excavation

SWRCB ID: SB15004GN

USACOE#: SPL-2013-00688

Project Type: Routine Channel and Flood Control Maintenance Activities

Project: Existing Flood Control Facilities Maintenance Authorized Under U.S. Army Corps of Engineers Regional General Permit 99 (RGP 99) (Project)

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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 and Wetlands Unit Program Manager.

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I. General Order

This Clean Water Act (CWA) section 401 General Water Quality Certification and Order (General Order), with Attachments A through G, is issued at the request of the Riverside County Flood Control & Water Conservation District (herein after Permittee). This General Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on August 12, 2015. The application was determined complete on November 20, 2015. Prior to receiving a complete application, the State Water Board 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.
9/1/2015	10/28/2015

The State Water Board 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
3/29/2016	3/28/2017

Additionally, the State Water Board issued a Denial Without Prejudice on March 29, 2016.

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3861 from May 19, 2017 to July 3, 2017. No comments were received.

III. Project Purpose

The purpose of the project is to provide routine maintenance to Riverside County Flood Control and Water Conservation District flood control facilities as authorized under U.S. Army Corps of Engineers (Corps) Regional General Permit (RGP) 99.

IV. Project Description

Maintenance activities will be conducted at 235 designated flood control facilities located within the Permittee's right-of-way. Facilities include basins, channels, dams, grade control structures, levees, bank protection (including riprap), headwalls, culverts, and appurtenant structures of all the above. Routine maintenance activities restore the facilities to their "maintenance baseline" condition.

V. Project Location

An individual project authorized by the Water Boards under this General Order (Project) may occur within any of the flood control facilities located in Riverside County listed in Attachment B of this General Order. The approximate center coordinates of the area containing these facilities are 33°44'20.77" N, 116°58'2.62" W. Maps showing the location of designated flood control facilities are found in Attachment A of this General Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Colorado River Regional Water Quality Control Board, Santa Ana Regional Water Quality Control Board, and San Diego Regional Water Quality Control Board (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 Plans) 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 will be submitted by the Permittee in the Notice of Intent (NOI) pertaining to maintenance activities for scheduled facilities.

VII. Description of Direct Impacts to Waters of the State

Maintenance activities are designed to restore the facility to the original maintenance baseline specifications. Activities include sediment and debris removal; vegetation removal (including mechanized and herbicide application); erosion repairs; side-slope tracking and/or reshaping; landscape maintenance (where applicable); structure repair and/or replacement; rip-rap and grout repair; removal and replacement of concrete channel linings; washout backfill; and repair of temporary surface water diversions to facilitate maintenance and repairs. Maintenance activities may be reoccurring due to a number of causes, including natural stream channel processes, vegetation control, trash and debris removal, and routine repairs.

Maintenance baseline is the original as-built physical specifications (e.g. depth, width, length, location, configuration, and design flood capacity, etc.) of a flood control facility within which maintenance activities are routinely performed. The specifications for facilities affected by this General Order are listed in Attachment B. Impacts to waters of the state within, and up to, the maintenance baseline are considered temporary impacts. Permanent impacts to waters of the state are not authorized by this General Order. For the purposes of this General Order, activities designed to restore maintenance baselines to their as-built specifications shall not be considered permanent impacts.

The following definitions apply:

Permanent aquatic resource impacts means permanent loss of aquatic resource area or resource function resulting from a discharge of dredged or fill material that changes an

aquatic area to dry land; changes the bottom elevation or dimensions of a waterbody; changes the surface elevation or dimensions of a wetland; or causes a loss of beneficial use, unless the discharge restores facility capacity to as-built specifications. Permanent impacts above maintenance baseline are not authorized under this General Order.

Temporary aquatic resource impacts means impacts to aquatic resources from maintenance activities within the maintenance baseline (e.g. impacts necessary to maintain conveyance of floodwaters as designed) and impacts to aquatic resources outside of the maintenance baseline that are short-term (e.g., waters temporarily filled, excavated, or drained where the area of the impacted aquatic resource, including the original contours and uses, is typically restored to pre-project conditions within one year of disturbance). However, the Water Board may determine on a project specific basis that specific timeframes for restoration must be imposed to avoid temporal loss which may otherwise be considered a permanent impact.

All regulated maintenance impacts to waters of the state for scheduled facilities will be described by the Permittee in the NOI. Type and amount of impact by aquatic resource type will be provided for each scheduled facility.

VIII. Avoidance and Minimization

All steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable shall be described by the Permittee in the NOI. These measures should include the Avoidance and Minimization Measures listed in the Mitigated Negative Declaration, to be conducted during all maintenance activities.

In addition, facilities identified in this General Order (Attachment B, Table 1) were specifically selected by the Permittee because they are not expected to impact threatened or endangered species or designated critical habitat, and/or historic properties/cultural resources that may be potentially eligible for listing on the National Register of Historic Places.

Finally, as described in section VII, above, Project maintenance activities will avoid permanent impacts to aquatic resources.

IX. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because permanent impacts resulting in physical loss of waters are not authorized under this General Order. However, compensatory mitigation may be required for temporal loss.

X. California Environmental Quality Act (CEQA)

On March 28, 2017, the Permittee, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2017021032) for the Project and filed a Notice of Determination (NOD) at the SCH on March 29, 2017. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this General Order and are included in Attachment C. The State Water Board will file a NOD with the SCH within five (5) working days from the issuance of this General Order. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)

XI. 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.

XII. Fees Received

An application fee of \$600 was received on August 12, 2015. 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 \$119,400, based on estimated total Project impacts over a five-year period, was received on August 16, 2017.

XIII. Expiration Date

This General Order expires five (5) years from the date of this certification, or upon the revocation or expiration of the federal permit, whichever comes first. This General Order may be re-authorized upon submission of a new application and applicable fees.

XIV. Conditions

The Regional Water Boards will independently review the record of any Project proposed for authorization by this General Order to analyze impacts to water quality and designated beneficial uses within the watersheds of the project. In accordance with this General Order, the Permittee may proceed with the Project subject to the following terms and conditions:

A. Authorization

Upon receipt of a Notice of Applicability (NOA) from the Regional Water Boards or State Water Board (collectively Water Boards), the Permittee is authorized to proceed with the maintenance activities in accordance with the terms and conditions of this General Order.

B. Reporting and Notification Requirements

The following section details reporting, notification, and submittal requirements. Content requirements are detailed in Attachment E.

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

1. Project Reporting

- a. Annual Reporting:** The Permittee shall submit an Annual Report to the Regional Water Boards on the anniversary of the Project effective date until a Notice of Project Complete Letter is issued. The Annual Report will describe any ongoing maintenance activities and restoration status. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee by the Regional Water Board(s).

2. Project Status Notifications

- a. Notice of Intent (NOI):** To obtain coverage under this General Order, the Permittee shall:
- i. Submit a complete NOI (Attachment D) to the Regional Water Board(s) in which any facility where maintenance activity is planned within the next twelve months, at least 45 days before the start of maintenance, with a copy to the State Water Board. To the extent possible, the NOI will include a table of all planned activities across all Regional Water Board(s) for the maintenance year. The Regional Water Board(s) will determine if the NOI is complete for all Projects within their jurisdiction within 30 days of receipt. Additional NOIs may be submitted as necessary during the maintenance year to the appropriate Regional Water Board(s) and the State Water Board.
 - ii. Upon receipt of a complete NOI, the Regional Water Board(s) will verify that the specific maintenance activities identified in the NOI comply with the terms and conditions of this General Order.
 - iii. The Regional Water Board(s) will issue either an NOA, informing the discharger that the proposed activity qualifies for authorization, or a Notice of Exclusion (NOE), which informs the discharger that the proposed activity does not qualify for General Order authorization.
 - iv. If an NOE or NOA is not issued by the Regional Water Board(s) within 45 days from NOI receipt, the discharger may proceed with the project according to all applicable General Order conditions.
- b. 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 to the Regional Water Board(s). Notification may be via email, delivered written notice, or other verifiable means.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when all maintenance activities authorized in the NOA and any associated post-maintenance activity monitoring are complete,¹ and no further Project activities will occur. This request shall be submitted to the Regional Water Board(s) within thirty (30) days following completion of all maintenance activities including post-maintenance monitoring, if applicable. Upon approval of the request, the Regional Water Board(s) shall issue a Notice of Project Complete Letter to the Permittee.

- 3. Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

¹ Completion of post maintenance monitoring shall be determined by the Regional Water Board(s) and shall be contingent on successful attainment of restoration and mitigation performance criteria.

a. Accidental Discharges of Hazardous Materials²

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

- i. As soon as (A) 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 the Regional Water Board(s), 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 Regional Water Board(s), the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the Regional Water Board(s) 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 or Diversions Water Quality Monitoring

- i. The Permittee shall notify the Regional Water Board(s) 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 the Regional Water Board(s).

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

- d. **Modifications to Project:** The Permittee shall give advance notice to the Regional Water Board(s) if maintenance implementation as described in the NOI 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 the Regional Water Board(s) of any modifications that will interfere with the Permittee's compliance with this General Order, or NOA. Notification may be made in accordance with conditions in the certification deviation section of this General Order.
- e. **Transfer of Property Ownership:** This General 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 General 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 General 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:** In work areas during construction, 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, the Water Boards 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 with the NOI and in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.
 - a. At a minimum, this plan shall include monitoring of the following constituents: dissolved oxygen, oil and grease, pH, specific conductance, settleable material,

- water temperature, and turbidity. The plan shall specify suitable locations, type of sample (e.g. visual inspection, grab sample, continuous flow through monitor), frequencies and methods as necessary to demonstrate that regional water quality objectives are met.
- b.** The water quality monitoring plan shall, for all water diversions, specify sampling locations upstream and downstream of dewatered areas and shall specify that monitoring be conducted before, during, and after diversion installation, diversion removal, dewatering, and rewatering activities to ensure that regional water quality objectives are met. The plan shall specify and the Permittee shall ensure that qualified individuals with sufficient education and experience in water quality monitoring methods and result interpretation conduct this monitoring.
- 4. Post-Construction:** Visually inspect the maintenance site during the rainy season (October 1 – April 30) until a Project Complete Letter is issued by the Regional Water Board(s) to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the maintenance site. If water quality pollution is occurring, contact the Water Board staff member overseeing the maintenance activity within three (3) working days. The Water Boards 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 Conditions

1. This General 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 General Order, after providing notice to the Permittee, if the State Water Board determines that: projects proposed for authorization by this General Order fail to comply with any of the conditions of this General 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 General 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 General 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 General 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 General Order.

E. General Compliance

1. Failure to comply with any condition of this General 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. This General Order authorizes projects discharging to only waters of the United States. Projects that discharge to waters of the state that are not waters of the United States must apply to the Water Boards for waste discharge requirements.
3. Discharge of fill shall be limited to no more than needed to restore the facilities to their maintenance baseline condition.
4. 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 Water Boards water quality control plan or policy.
5. In response to a suspected violation of any condition of this General Order, the Water Boards may require the holder of this General 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.
6. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this General Order; and all subsequent submittals required as part of this General Order. The conditions within this General Order and Attachments supersede conflicting provisions within Permittee submittals.
7. This General 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.
8. The Permittee shall adhere to all requirements in the Mitigation Monitoring Plan described in the table of Avoidance and Minimization Measures (found in the CEQA IS/MND for Regional General Permit for Maintenance of Existing Flood Control Facilities, March 8, 2017; SCH No. 2017021032)) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

F. Construction General Permit Requirement: The Permittee shall maintain compliance with conditions described in, and required by, the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No.

CAS000002), for maintenance activities that include ground disturbance of over one acre above the maintenance baseline.

G. Administrative

1. Signatory requirements for all document submittals required by this General Order are presented in Attachment G of this General Order.
2. This General 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 General 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 General Order.
3. The Permittee shall grant Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project 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 General Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Order.
 - d. Sample or monitor for the purposes of assuring General Order compliance.
4. A copy of this General Order, the NOI and NOA shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies shall remain at the Project site for the duration of this General Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this General Order, the NOI and NOA 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 General Order, the NOI and NOA and its posted location at the Project site.

H. Construction Conditions

Best Management Practices, including the Avoidance and Minimization measures listed in the Project MND, shall be followed to protect water quality from fill and/or excavation impacts as much as possible. If applicable, the following conditions apply to each project authorized by the General Order.

Good Site Management “Housekeeping”

1. Construction material, debris, rubbish, spoils, soil, silt, sawdust, rubbish, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to

aquatic life that is discharged as a result of project related activities shall be prevented from entering waters of the state.

2. The limits of project disturbance must be clearly identified in the field prior to start of maintenance activities within a water of the state. Such identification must be properly maintained until maintenance is completed and the area has been stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of project disturbance are prohibited.
3. Environmentally sensitive areas and environmentally restricted areas must be delineated for exclusion prior to the start of maintenance activities.

Toxic or Hazardous Materials

4. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at a site, washout containment to prevent any discharge shall be used. Wastewater may only be disposed by delivery to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility. Appropriate BMPs must be implemented throughout project activities to prevent and control leaks/spills/drainage of such materials.
5. Appropriate BMPs for hazardous substances shall be included in project plans provided in the NOI. These BMPs shall include, at a minimum:
 - a. All personnel handling fuels and other hazardous materials shall be properly trained.
 - b. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during maintenance implementation.
 - c. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.
 - d. All on-site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.
 - e. All equipment shall be fueled, maintained, and/or parked overnight in an upland area outside of waters of the state.
 - f. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any waters of the state and shall be stored in appropriate containers with appropriate secondary containment.
 - g. Pumps or other stationary equipment operating within 100 feet of a water of the state shall utilize secondary containment systems to prevent spills.
 - h. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate material and equipment.
6. A staging area for equipment and vehicle fueling and storage shall be designated outside of waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.

Sediment Control

7. Dust abatement activities can reduce discharges of sediment to streams and uplands through the application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented and product-specific application plans that are submitted with the NOI are also approved by Water Boards staff.
8. Use of any new or expanded stream channel or bank armor or artificial structural components placed to prevent channel or bank erosion or movement shall be avoided where possible and minimized when unavoidable and shall be designed so that hydrology of the project area and the affected channel, upstream and downstream, is not adversely affected.

Sediment Disposal

9. Sediment disposal sites can be characterized into seven categories based on potential reuse or disposal opportunities. These disposal options are listed below in preferential order according to how well they support objectives for sustainability.
 - a. **Onsite reuse.** This includes reusing the sediment on-site (i.e., at the project site) within the channel or easement area for various fill or restoration purposes. For example, sediment excavated from the channel bottom could be placed adjacent to the active channel (remaining within the easement area), to enhance soil, vegetation, and riparian habitat conditions. Sediment could also be used on-site for bank stabilization purposes.
 - b. **Other channel or easement reuse.** Similar to Option 1, this includes reusing the sediment within channel or easement areas for fill or restoration purposes. The key difference is that Option 2 would occur at a different channel or easement area within the program area, but in a similar setting to where the sediment was originally removed.
 - c. **Wetland or floodplain restoration or enhancement.** Option 3 consists of beneficial reuse of the sediment outside or off site of channel or easement areas, but in a wetland or floodplain setting to support ecologic functioning and habitat.
 - d. **Upland agricultural or commercial reuse (dry).** Sediment would be reused for upland agricultural or commercial reuses that are dry, whereby the sediment would not be secondarily eroded to stream channels or water bodies. Demand for dry sediment is high, particularly for use as soil amendment for agricultural crops and construction of foundation pads for buildings or structures.
 - e. **Upland agricultural or commercial reuse (wet).** Sediment would be used as fill in an already approved and permitted wetland project. This is a specific case where an approved and permitted project requires the use of sediment to fill a wetland. It is important to note that this sediment disposal plan in no way encourages or sanctions the filling of existing wetlands. However, for projects that are already approved and permitted, it may be preferable to use sediment materials that share similar wetland properties. In this way, using good quality excavated channel sediment for reuse in a wetland setting may be preferable or advantageous to using other fill material or soils.

- f. **Landfill disposal.** In this option the sediment would be disposed at an approved and operating landfill for use as daily cover material for landfill operations.
- g. **Hazardous waste disposal.** This option involves the disposal of sediments containing hazardous levels of contaminants. Hazardous waste will be disposed at appropriate hazardous waste facilities.

Resource Protection

- 10.** As part of the NOI, the Permittee shall submit an endangered species report by a qualified biologist verifying the presence/absence of threatened or endangered species within or adjacent to the sites proposed for maintenance. The report shall also include a pre-disturbance site survey of all Class 3 facilities, based on the classification criteria below, to show that the facility has not developed conditions suitable to support threatened or endangered habitat.

Class 1: This classification includes existing concrete-lined (concrete bed and banks) channels with sparse or no vegetation cover. Sparse means no more than 20% of the total vegetation cover within the channel can be native; for example, if total cover equals 60%, native vegetation must be less than or equal to 12%.

Class 2: Channels defined under Category 1, except they possess either an earthen or un-grouted rip-rap bank or earthen or un-grouted rip-rap channel bottom.

Class 3: Channels that are in all respects defined under Category 2, except native vegetation exceeds the limitations of Category 1 and 2.

- 11.** Vegetation removal within the maintenance baseline, after appropriate biological surveys, shall meet the following requirements:

Class 1 channels may be cleared of all vegetation.

Class 2 channels may be cleared of vegetation as follows:

- i. Vegetation removal in the Category 2 channels shall be conducted in a non-continuous manner, as feasible, allowing small patches of in-channel vegetation to persist.
- ii. When vegetation removal is deemed necessary, mowing and/or trimming of vegetation, or herbicide treatment if necessary, shall be done. Uprooting vegetation should be avoided whenever practicable in order to maintain soil stability.
- iii. Permittee shall avoid removal of emergent herbaceous vegetation on the channel bottom that is rooted in or near the low flow channel or a pond in order to provide cover for aquatic wildlife, where feasible. Native non-woody vegetation that does not interfere with designed flood control capacity shall be allowed to grow between sediment removal activities within Category 2 channels. If necessary to alleviate flood risk between sediment removal activities, native non-woody vegetation may be cut down to a level above the water line or root zone.
- iv. No living native vegetation with a diameter at breast height in excess of 3 inches and are located above the maintenance baseline shall be removed or damaged without prior notification to the Regional Water Boards in order to

prevent loss of vegetation that could result in violation of water quality standards.

Class 3 channels may be cleared of vegetation adhering to Category 2 requirements in addition to the following requirements:

- i. Native vegetation removed from Class 3 channels shall not exceed the minimum necessary to complete the identified activities for each maintenance activity. Appropriate precautions shall be taken to avoid inadvertent damage to native vegetation by people or equipment.
- ii. Native vegetation removal shall be subject to the appropriate restoration, monitoring, and temporal loss mitigation requirements applicable to temporary impacts (i.e., see section I “Mitigation for Temporary Impacts”).

12. Maintenance activities consisting solely of vegetation mowing activity that does not discharge waste into a channel and does not consist of any other type of maintenance authorized under RGP 99 are not required to submit an NOI for coverage under this order.

13. Any herbicide spraying activity shall be permitted only after the Permittee has obtained authorization from the State Water Board to do so under the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (Water Quality Order No. 2013-0002-DWQ; General Permit No. CAG990005) (Pesticide General Permit). If the Permittee wishes to continue an activity regulated by the Pesticide General Permit after the expiration date of the Pesticide General Permit, the Permittee must apply for and obtain authorization as required by the new permit. (40 C.F.R. §122.41(b).)

I. Mitigation for Temporary Impacts

1. The Permittee shall restore:

- a. All areas of temporary impacts to waters of the state;
- b. All native vegetation within the maintenance baseline of Class 3 channels as provided in section H.11;
- c. All areas outside of the maintenance baseline within the channel; and
- d. All project site upland areas of temporary disturbance which could result in a discharge to waters of the state at a 1:1 acreage ratio, as described in an approved restoration plan.

2. A restoration plan for the scheduled facility maintenance areas shall be submitted for written acceptance by the appropriate Regional Water Board(s) with the NOI, as described in Attachment D “Notice of Intent.” The Permittee shall provide annual monitoring reports for restoration areas if required by the Water Boards, in accordance with conditions set forth in Attachment E.

3. The Water Boards may extend the monitoring period beyond requirements of the restoration plan upon a determination by the Water Boards 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 three hundred sixty-five (365) days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state. However, the Water Boards may determine on a project-specific basis that specific timeframes for restoration must be imposed to avoid temporal loss which would otherwise be included in permanent loss. Additionally, the Water Boards may determine on a project-specific basis that restoration timeframes may be extended based on specific site conditions.

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 General Order or NOA, because the Water Boards have determined that any potential water resource impacts that may result from the change are sufficiently addressed by the General Order conditions and the CEQA Findings. Following the issuance of a Project Complete Letter by the appropriate Regional Water Board, the NOA will be formally amended to account for any changes to facility specifications or impact amounts associated with maintenance activities authorized under the NOA. After the termination or expiration of this General Order, the General Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the General 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 General Order. In this case a supplemental environmental review and different order will be required.

XV. Water Quality Certification

I hereby issue the General Order for the Riverside County Flood Control & Water Conservation District Existing Flood Control Facilities Maintenance Authorized Under U.S. Army Corps of Engineers RGP 99, SB15004GN 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

6/13/18

Date

- Attachment A** Project Maps
- Attachment B** As-built Dimension Information
- Attachment C** CEQA Findings of Fact
- Attachment D** Notice of Intent (NOI)
- Attachment E** Reporting Requirements
- Attachment F** Certification Deviation Requirements
- Attachment G** Signatory Requirements