Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Effective Date:	12 April 2023
Expiration Date:	11 April 2028
Program Type:	Fill/Excavation

Reg. Meas. ID:	450471
Place ID:	884751
WDID No.:	5B07CR00251
USACE No.:	SPK-2001-00147 RGP 1

Project Type: Channel Construction and Maintenance

Project: Contra Costa County Routine Maintenance Program Programmatic General Permit (PGP) (Project)

Applicant: Contra Costa County Public Works Department

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I. General Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Contra Costa County Public Works Department (CCCPWD) (hereinafter Permittee) for certification of the Contra Costa County Routine Maintenance Program (CCCRMP) Programmatic General Permit (PGP) (Project). This Order is for the purpose described in the application submitted by CCCPWD. The application was received on 11 December 2022. The application was deemed complete on 09 January 2023.

The Central Valley Water Board may prescribe general water quality certifications for a category of discharges if all of the following criteria apply to the discharges in that category:

i. The discharges are produced by the same or similar operations.

ii. The discharges involve the same or similar type of waste.

iii. The discharges require the same or similar treatment standards.

iv. The discharges are more appropriately regulated under general or programmatic section 401 Water Quality Certifications (WQCs) than individual WQCs.

Discharges from individual projects covered under the CCCRMP that will be regulated under this Order are consistent with the criteria listed above and therefore a general order is appropriate. All discharges regulated under this Order will be from similar operations which pose similar types of threat to water quality and will require similar treatment methods. Individual WQCs are not necessary because the discharges are similar and discharge requirements would be similar if individual WQCs were issued.

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 16 December 2022 to 6 January 2023. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to provide a more comprehensive and consistent approach to conducting routine maintenance activities at County facilities including but not limited to roads, channels, creeks, culverts, bridges, and basins in order to secure a streamlined permitting process for similar maintenance activities that impact waters of the state. The objectives of the CCCRMP include:

1. Maintain the functional integrity and operational capacity of District flood control facilities and County roads. This includes maintaining existing flood control channels, creeks, culverts, bridges, dams, basins, and other facilities owned and managed by the County (e.g., access roads) to ensure that they perform their operational functions. Maintenance also involves managing vegetation along County-maintained access roads on channel slopes.

2. Identify chronic maintenance sites and assess causes and possible solutions to prevent future incidence of maintenance, where feasible.

3. Provide flood protection to County properties and residents through the maintenance of District flood control facilities. This involves removing sediment in channels where sediment accumulation reduces functional capacity, reduces flow conveyance, or increases flood hazard and safety risk.

4. Avoid and minimize potential impacts to the natural environment when conducting maintenance activities by incorporating detailed appraisals of habitat, species, and resource conditions while identifying maintenance needs and developing maintenance plans.

5. Protect and enhance the natural environment at District and County facilities.

6. Provide cost-effective service and value for citizen taxes and public funding.

IV. Project Description

The Permittee and Flood Control District are responsible for conducting routine maintenance activities throughout the County. The western and central portions of Contra Costa County are under the jurisdiction of the San Francisco Bay (Region 2) Regional Water Quality Control Board and Maintenance Program activities are covered under the section 401 Water Quality Certification (Order No. R2-2020-0034) issued in December 2020.The eastern portion of the County is under the jurisdiction of the Central Valley Water Board.

Maintenance activities authorized under this Programmatic Order include culvert maintenance, sediment removal, trash and debris removal, access road and ramp maintenance, erosion protection, vegetation management activities, concrete channel repair, trash rack clearing, rodent control, dam site maintenance, small structure maintenance, graffiti removal, and fence/gate repair. A description of each maintenance activity is included in section XIV.O of this Order.

V. Project Location

The East Contra Costa County region includes the areas east of the Diablo Range to San Joaquin County, as well as the San Joaquin/Sacramento River Delta (Delta). The primary watersheds of the East County region include the Marsh Creek and

Kellogg Creek watersheds, and major urban areas include the cities of Pittsburg, Antioch, Oakley, and Brentwood.

Anticipated routine maintenance sites in East Contra Costa County are listed below in Table 1. Not all maintenance sites are known at this time but will be identified at the time of the annual notification.

Table 1: Anticipated Maintenance Sites

Routine Maintenance Site	Longitude/Latitude
35-Marsh Creek Reservoir	37.883811°, -121.727756°
Marsh Creek	37.964262°, -121.683894°
36-Dry Creek Reservoir	37.912041°, -121.738733°
37-Dry Creek Basin	37.922399°, -121.713623°
38-Dry Creek	37.922357°, -121.716464°
39-Deer Creek Reservoir	37.924341°, -121.763766°
40-Deer Creek Basin	37.936688°, -121.725126°
41-Deer Creek	37.936409°, -121.719838°
42-Upper Sand Creek Basin	37.944927°, -121.766905°
43-Lower Sand Creek Basin	37.945221°, -121.730231°
44-Line E	37.960059°, -121.7054°
45-Line E1	37.954378°, -121.709869°

Maps showing the Project location are found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water

quality standards, which consist of existing and potential beneficial uses of waters of the 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 B. Table 1 of Attachment B 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 B.

VII. Description of Direct Impacts to Waters of the State

Impacts to waters of the state and wetlands will result from in-kind culvert repair or replacement, sediment removal, maintenance of access ramps within the channel, and vegetation removal. Construction work within the channel associated with sediment removal and other minor maintenance activities will result in water quality impacts through the disturbance of streambed and banks. These types of maintenance activities will temporarily result in hydrologic interruption (e.g., dewatering or diversion) and degradation of water quality (e.g., increased sedimentation and turbidity). Permanent losses to wetlands and other waters of the state may result from upsizing insufficient or inadequately sized culverts. However, in such cases, the County would seek approval of an upsizing on a case-by-case basis.

The CCRMP will result in approximately 6.16 acres of temporary impacts to wetlands and other waters of the state over the 5-year permit term. No permanent impacts are anticipated. Anticipated temporary and permanent impacts to wetlands and waters of the state will be determined on an annual basis and will be reported to Central Valley Water Board staff in the Annual Pre-Maintenance Notification Report and the Annual Post Maintenance Report.

Total Project fill/excavation quantities for all impacts are summarized in Table 2. Impacts have been estimated for maintenance activities over a 5-year period.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	5.904	3,100	13,900
Wetland	0.256		

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect impacts include increased downstream turbidity and the accidental release of herbicides or other hazardous materials into the watershed. By implementing applicable BMPs and Avoidance and Minimization Measures as described in the Contra Costa County Routine Maintenance Program Manual, indirect impacts are expected to be avoided.

IX. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures, as described in the Contra Costa County Routine Maintenance Program Manual, will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

GEN-1: Work Windows

- Ground-disturbing maintenance activities occurring in the channel will generally occur between June 15 and October 31 to minimize adverse impacts to biological resources and water quality.
- All maintenance work in an area with potential special-status species habitat will take place between June 15 and October 15.
- Installation of erosion control best management practices (BMPs) (GEN-4) will be completed prior to the onset of a storm event (0.5-inches in 24 hours) predicted by 72-hour weather forecasts from the National Weather Service. All equipment will be removed from the channel at least 12 hours before such an event occurs. If an unanticipated storm event occurs, the County site manager will inspect all sites prior to initiating any sediment removal activities.
- In accordance with the Contra Costa County General Plan, outside of mitigating a hazardous condition, maintenance activities will be conducted

[1] Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

between the hours of 8:00 a.m. and 5:00 p.m. Work hours will comply with applicable local noise requirements.

GEN-2: Minimize the Area of Disturbance

- To minimize impacts to natural resources, soil disturbance will be kept to the minimum footprint necessary to complete the sediment removal work.

GEN-3: Channel Access

- County personnel will use existing access ramps and roads to the extent feasible to access the maintenance sites.
- If possible, maintenance activities, such as culvert or trash rack clearing, will be conducted from the top of the bank.

GEN-4: Erosion and Sediment Control Measures

- If needed, erosion control fabrics will consist of natural fibers that will biodegrade over time. No plastic or other nonporous material will be used as part of a permanent erosion control approach.
- Erosion control BMPs, such as silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be used. Erosion control BMPs shall be monitored during and after each storm event for effectiveness. Modifications, repairs and improvements to erosion control BMPs shall be made as needed to protect water quality. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream.

GEN-5: Staging and Stockpiling of Materials

- To the extent feasible, staging will occur on existing access roads, surface streets, or other disturbed areas that are already compacted and only support ruderal vegetation. Similarly, all maintenance equipment and materials will be contained within the existing service roads, paved roads, or other pre-determined staging areas. Staging areas for equipment, personnel, vehicle parking, and material storage will be sited as far as possible from major roadways.
- Building materials and other maintenance-related materials, including chemicals and sediment, will not be stockpiled or stored where they could spill into water bodies or storm drains.
- No runoff from the staging areas may be allowed to enter waterways, including the creek channel or storm drains, without being subjected to adequate filtration (e.g., vegetated buffer, hay wattles or bales, silt screens). The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited.

GEN-6: On-Site Hazardous Materials Management

Any hazardous or toxic materials that could be deleterious to aquatic life shall be contained in watertight containers or removed from the project site. These materials shall be prevented from contaminating the soil and/or entering the waters of the State. Any such materials, placed within or where they may enter a stream or lake shall be removed immediately. BMPs shall be employed to accomplish these requirements.

GEN-7: Existing Hazardous Materials

If hazardous materials, such as oil, batteries or paint cans, are encountered at the maintenance sites, the County will carefully remove and dispose of them according to the County Watershed Program's Spill Response Flowchart. County staff will wear proper protective gear and store the waste in appropriate hazardous waste containers until it can be disposed of at a hazardous waste facility.

GEN-8: Spill Prevention

The County will prevent the accidental release of chemicals, fuels, lubricants, herbicides and non-storm drainage water into channels following these measures:

1. County field personnel will be appropriately trained in spill prevention, hazardous material control, and cleanup of accidental spills.
2. County field personnel responsible for applying herbicides will regularly check and maintain application equipment to identify and minimize the likelihood of leaks developing or failure that could lead to a spill. If possible, aquatic herbicides will be mixed and loaded in the County's yard before leaving for the application site(s).
3. Equipment and materials for cleanup of spills will be available on site and spills and leaks will be cleaned up immediately and disposed of according to guidelines stated in the County Watershed Program's Spill Response Flowchart.
4. Field personnel will ensure that hazardous materials are properly handled, and natural resources are protected by all reasonable means.
5. Spill prevention kits will always be within close proximity when using hazardous materials (e.g., at crew trucks and other logical locations). All field personnel will be advised of these locations.
6. County staff will routinely inspect the work site to verify that spill prevention and response measures are properly implemented and maintained.

GEN-9: Spill Response

In the event of a spill, the County Watershed Program's spill response measures (summarized below) shall be implemented.

- For small spills on impervious surfaces (e.g., latex paint, household products, automotive fluids, grease), absorbent materials will be used to remove the spill, rather than hosing it down with water. For small spills on pervious surfaces such as soil, the spill will be excavated and properly disposed rather

than burying it. Absorbent materials will be collected and disposed of properly and promptly. Smaller spills may be handled by the Contra Costa County Public Works Department (Department).

- In the event of a larger spill, first responders (law enforcement, the local fire department) shall be contacted by dialing 911. The County Watershed Program should also be contacted. During normal working hours, the County may also contact 1-800-No-Dumping to reach the appropriate staff person. If the spill consists of an unidentified material, occurs in a multi-jurisdictional area, entering a storm drain or creek, and/or may result in a public health or environmental impact, the spill is considered hazardous, and the Contra Costa County Health Services-Hazardous Materials Program (Contra Costa HazMat) should be contacted.

If the spill is non-hazardous, the following measures shall be implemented:

1. Containment. Access to storm drains or waterways should be blocked using sandbags, berms, dams or booms. The source of the spill shall be stopped, and the spread of the liquid should be controlled through use of absorbents, booms, absorbent socks, mats.
2. Clean Up. Dry materials should be scooped and swept up immediately and placed in a container. Liquid spills should be absorbed using rags, loose absorbents (i.e., kitty litter), mats, or pillows. Wash water must not enter the storm drain. If a spill occurs during a rainy event, a berm should be placed around the impacted area and covered, if possible, to minimize or avoid contaminated runoff.
3. Disposal. Contaminated materials should be placed in a labeled waste container and be delivered to a Hazardous Waste Facility or recycled by a certified collection agency.
4. Notification. The County shall notify California Governor’s Office of Environmental Services (Cal OES) to ensure proper notification of the incident to appropriate agencies.
5. Documentation. The County shall complete a standard spill response form and submit it to the County’s stormwater manager.

If the spill is hazardous, the following measures will be implemented:

1. First Response. Law enforcement is typically the first responder to the incident and the local fire department will perform the initial containment of spill materials. The Department may assist in containment and/or traffic control until relieved.
2. Hazard Assessment. The Contra Costa County HazMat staff person will identify the substance, determine the responsible party for clean-up and assess the public/environmental threat.

3. Containment/Clean-up/Disposal. Contra Costa County HazMat staff will direct the cleanup and handling of spill material in accordance with local, state and federal regulations.
4. Follow-up Notification. Once completed, the responsible party shall notify the California Governor's Office of Environmental Services (Cal OES), which will trigger automatic notices to appropriate state and local agencies.
5. Documentation. All responding agencies (fire department, law enforcement, and Contra Costa County HazMat) will document the incident.
6. Enforcement. Depending on the severity of the spill, the Contra Costa County HazMat staff person may use enforcement tools such as education, warning notice, and cost recovery fine. Law enforcement may issue a citation/ticket.
7. Follow-up. The County's stormwater department will obtain a copy of the incident report and report in the National Pollutant Discharge Elimination System (NPDES) Annual Report to the Regional Water Quality Control Board (RWQCB).

GEN-10: Vehicle and Equipment Maintenance

Any equipment or vehicles driven and/or operated in proximity of the stream shall be maintained in good working order to prevent the release of contaminants that if introduced to water could be deleterious to aquatic life, wildlife, or riparian habitat.

Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors, and welders, located adjacent to the stream, shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated in proximity to the stream must be checked and maintained daily. Vehicles must be moved away from the stream prior to refueling and lubrication.

GEN-11: Vehicle and Equipment Fueling

- With the exception of concrete channels, no fueling will be done in the channel.
- Within concrete channels, fueling may only be conducted if pumps are placed on a dry part of the channel. Pumps must also be equipped with secondary containment.
- All off-site fueling sites (i.e., on access roads above the top-of-bank) will be equipped with secondary containment and avoid a direct connection to soil, surface water, or the storm drainage system.

GEN-12: Flow Diversions and Dewatering Measures

For other channels, if water is present in the stream channel during the maintenance work period, and work requires that equipment be used in the channel, a flow diversion structure will be necessary to protect water quality. A cofferdam or water bladder system will be used when necessary to fully dewater a portion of the

channel. Coffer dam and water bladder systems include installation of upstream and downstream, flow barriers and a bypass pipe to convey stream flows around the work area. Water may pool at the upstream and downstream end of the flow diversion structure; however, these pools will be small in size and cease once dewatering activities are complete to reduce standing water and potential mosquito breeding at these sites. Silt curtains may be used for smaller work areas where full dewatering of the channel is not necessary to prevent water quality impacts. Silt curtains are suspended at the water's surface by a closed cell float, anchored to the bank, and weighted at the bottom by a chain, containing flows within a small area during disturbance of the bed and banks. Sediment disturbed during work is allowed to settle to the bottom following completion. All flow diversion structures will be removed from the stream channel following completion of work activities.

GEN-13: Invasive Plant Removal

Invasive plant material removed during work shall be contained and appropriately disposed of in a landfill. Such materials will not be composted or left otherwise exposed in or around the maintenance site.

GEN-14: Testing and Disposal of Sediment

Sediment testing will not be required for sediment removal projects involving less than 100 cubic yards of sediment removal beyond what may be required by the receiving disposal facility. For projects involving the removal of more than 100 cubic yards, sediment testing will be conducted in accordance with the Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines (RWQCB 2000), as appropriate for the proposed disposal or reuse site. The results will be compared against federal and state environmental screening levels (ESLs) for protection of human health, groundwater quality, and terrestrial receptors. If hazardous levels of contaminants (as defined by federal and state regulations) are present, the material will be taken to a permitted hazardous waste facility. The County will also prepare a sediment sampling and testing methodology plan that will guide sediment sampling and testing for the Program.

GEN-15: Worksite Housekeeping

- The County and contractors will maintain the work site in neat and orderly conditions daily, and will leave the site in a neat, clean, and orderly conditions when work is complete. Slash, sawdust, cuttings, etc. will be removed to clear the site of vegetation debris. As needed, paved access roads and trails will be swept and cleared of any residual vegetation or dirt resulting from the maintenance activity.
- For activities that last more than one day, materials or equipment left on site overnight will be stored as inconspicuously as possible and will be neatly arranged in such a way that water quality impacts do not occur.
- The County's maintenance crews will be responsible for properly removing and disposing of all construction debris within 72 hours of completing

maintenance activities and as directed by the County maintenance program manager.

- All trash that is brought to a project site during maintenance activities (e.g., plastic water bottles, lunch bags, cigarettes) will be removed from the site daily.
- Standing water will be minimized on site to prevent mosquitos from breeding at work sites.

GEN-16: Use of Cementitious Materials

Water that has come into contact with uncured concrete or grouts will not be allowed to enter the channel until the pH of the water is between 6.5 and 8.0 pH units. Containment of leachate will adhere to the following measures:

- Freshly poured concrete will be isolated from flowing water and allowed to dry for at least 28 days before flows are reintroduced. Flows contaminated with leachate shall be separated from the main flow via a diversion structure until the pH falls within the range specified above.
- If the 28-day drying period is infeasible, the County will institute a minimum 7-day drying period and apply a sealant designed for use in aquatic environments, such as Deep SealTM or Elasto DeckTM. The sealant will be allowed to dry for a minimum of 72 hours.
- Wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment will not be allowed to enter the channel and should be removed from the site for treatment following construction. No dry concrete will be placed on the banks or in a location where it could be carried into the channel by wind or runoff.

GEN-17: Standard Herbicide Use and Application Requirements

- Only herbicides that have been approved for aquatic use in the Aquatic Pesticide Application Plan (APAP) will be used for aquatic vegetation control work. For aquatic herbicide application, the County will only apply herbicides with adjuvants that are registered for aquatic use in California and Washington and in compliance with the California NPDES permit for aquatic weed control. The County will use extreme caution to not apply any herbicide that is not labeled for aquatic use directly to water. If herbicides must be applied next to water, Permittee shall use preventative BMPs to ensure that the chemical does not accidentally flow into or stream through the air into the water.
- Herbicide application will be conducted consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the product label specifications, in compliance with the regulations of the U.S. Environmental Protection Agency (USEPA), California Environmental Protection Agency (CalEPA), California Department of Pesticide Regulation (CDPR), California Division of Occupational Safety and Health and the local

Agricultural Commissioner. Herbicide application will be conducted consistent with applicable pesticide use injunction requirements that have been established for the protection of 26 species of listed salmon and steelhead, the California red-legged frog, and 11 species in the greater San Francisco Bay area. These injunctions require implementation of no-spray buffer zones around listed species habitats.

- Herbicide application will not be made within 24 hours of predicted rainfall, or if wind is above 5 miles per hour in accordance with directions on the label to avoid offsite drift. Herbicide application will only occur during dry conditions to prevent sediment and herbicides from entering the water via surface water runoff.
- The lowest recommended rate, amount, and concentration to achieve project objectives of herbicides will be utilized to achieve desired control.
- An appropriate non-toxic indicator dye may be added to the tank mix to help the applicator identify areas that have been treated and better monitor the overall application to prevent over-spraying.
- The following general application requirements will be employed during herbicide application:
    1. Spray nozzles will be configured to produce a relatively large droplet size;
    2. Low nozzle pressures (30-70 pounds per square inch) will be used;
    3. Spray nozzles will be kept within 24 inches of vegetation during spraying; and
    4. Drift avoidance measures shall be used to prevent drift in locations where target weeds and pests are in proximity to special-status species or their habitat. Such measures can consist of but would not be limited to the use of plastic shields around target weeds and pests and adjusting the spray nozzles of application equipment to limit the spray area.

GEN-18: Herbicide Applicator Training

- County staff that handle and apply herbicides will be trained annually on proper herbicide handling and use. Staff will be trained by County staff with a pesticide applicator certificate obtained from the California Department of Pesticide Regulation.
- Training will include review of the BMPs included in the County's APAP with particular focus on target and non-target plants, environmental impact avoidance measures, and herbicide label requirements. The County will ensure that applicators are properly trained in handling and use of herbicides, have a current Qualified Applicator Certificate (QAC), or Qualified Applicator License (QAL). A licensed QAC/QAL must complete 20 hours of continuing education every 2 years to stay licensed, and therefore are up to date on the latest techniques for pest control.

GEN-19: Herbicide Application Personnel

The County will utilize QALs, QACs, or County staff under the supervision of QALs or QACs to make applications or supervise applications recommended by the CDPR-licensed Pest Control Advisor (PCA). These applicators have knowledge of proper equipment loading, nozzle selection, calibration, and operation so that spills are minimized, precise application rates are made according to the label, and only target algae or aquatic vegetation are treated. Calibration ensures that the correct quantity and rate of herbicide is applied.

GEN-20: Access Roads and Ramps

County staff will backfill observed rills or ruts and will grade the surface when existing earthen roads or ramps have eroded or when ruts and rivulets have formed and are restricting vehicular passage or causing additional erosion. In some instances, rock or gravel will be added and the road or access ramp re-compacted. County staff will also be responsible for vegetation management activities (e.g., mowing, trimming, pruning, herbicide application) to reduce fire hazards, and provide adequate site distance and access along roads or ramps.

GEN-21: Erosion Protection

Earthen channel banks that experience minor erosion (e.g., cracks along banks, small rivulets, etc.) will be stabilized with temporary, low-impact fixes such as installation of revetment fencing, erosion protection blankets, straw wattles, coir cloth, and tarping. Preference is given to biotechnical treatments. Once maintenance work is complete, the temporary erosion protection treatments will be removed from the site. This work does not include bank stabilization/repair work (e.g., rock slope protection or riprap).

GEN-25: Large Woody Material Retention

The following measures will be implemented to retain large woody material where feasible:

The County will only modify or remove large woody material (LWM) from streams when the accumulation of LWM poses a threat to: (1) road stability, bridges, culverts, or other in-stream structures; (2) structures such as homes; (3) project sites with a significant increase in flooding risk that would impact previously described structures; and (4) project sites with an increase in erosion risk to property and increase sediment load. The County will only cut, notch, or otherwise modify the minimum amount of stream wood to reduce the hazard with guidance from a consulting hydrologist or fluvial geomorphologist or certified civil engineer who has relevant experience evaluating and assessing LWM and County Environmental staff who understands the importance of balancing habitat protection and flood control needs. LWM will only be removed when such threats cannot be addressed by modifications.

- To preserve channel stability and prevent erosion, the County will avoid removing LWM that is embedded in the bank or channel.

- When modifying log jams, the County will leave trees, logs and/or stumps in the longest lengths and diameters practicable. If logs must be cut from fallen trees, the County will leave as much as possible of the main trunk attached to the root ball and only cut branches that are obstructing flow.
- All proposed LWM removal activities conducted by the County will be reviewed by a Qualified Biologist or consulting hydrologist or fluvial geomorphologist or certified civil engineer in coordination with County Environmental staff. Written concurrence from the Qualified Biologist or consulting hydrologist or fluvial geomorphologist or certified civil engineer and County Environmental staff will be provided with the notification of proposed activities.

GEN-26: Vegetation Removal

The disturbance or removal of vegetation shall not exceed the minimum necessary to complete maintenance activities. The use of bulldozers, backhoes, or other heavy equipment to remove vegetation along stream banks shall be avoided wherever feasible.

GEN-27: Grazing

Before grazing commences, a biologist will evaluate the area to be grazed to identify sensitive resources. Vegetation to be (e.g., special-status plants) will be protected with avoidance buffers or fences; grazing will also be excluded from active channels and other water sources. Once fencing or buffers are installed, small herds will be placed on parcels for a set amount of time, monitored closely, and removed once the underbrush is cut down. Grazing of trees and shrubs will not be permitted.

X. Compensatory Mitigation

Permanent impacts are not expected to occur because of routine maintenance activities, but permanent impacts may occur due to unforeseen circumstances. If permanent impacts do occur, the permittee will report them in the Annual Pre-Maintenance Notification Report and the Annual Post Maintenance Report.

The permittee has agreed to provide compensatory mitigation for any reported unanticipated permanent impacts described in section VII of this order.

XI. California Environmental Quality Act (CEQA)

On 17 November 2020, Contra Costa County, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2020060286) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2020. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

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 $2,417.00 was received on 19 December 2022. 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 $317.00 was received on 9 January 2023.

Project fees, based on temporary and permanent impacts to aquatic resources, will be calculated annually. The Permittee will report all planned temporary and permanent impacts to aquatic resources in the Annual Pre-Maintenance Notification Report. Total impacts to aquatic resources that occurred during the maintenance season will be reported in the Annual Post Maintenance Report. Annual project fees will be calculated based on the total impacts reported in the Annual Post Maintenance Report.

XIV. Conditions

The Central Valley Water Board has independently reviewed the record of the projects to be authorized under this order to analyze impacts to water quality and designated beneficial uses within the watershed of the project area. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 2.

B. Reporting and Notification Requirements

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

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov.

In the subject line of the email, include the Central Valley Water Board Contact, Project Name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. **Project Reporting**
   a. **Annual Pre-Maintenance Notification Report:** The Permittee must submit an Annual Pre-Maintenance Notification Report to the Central Valley Water Board at least 30 days before the start of the maintenance season (April 15th). The Annual Pre-Maintenance Notification Report shall be submitted every year until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
   b. **Monthly Reporting**: The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
   b. **Annual Post Maintenance Report:** The Permittee shall submit an Annual Post Maintenance Report each year by January 31st. The Annual Post Maintenance Report shall be submitted every year until the Central Valley Water Board issues a Notice of Project Complete Letter 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 maintenance 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 maintenance activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all maintenance activities for the maintenance year. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
   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, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board

staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials[2]:

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 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 the Office of Emergency Services' Accidental Discharge Notification Web page (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

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

b. Violation of Compliance with Water Quality Standards:

[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 & Safety Code, Section 25501.)

The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

i. 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 and Diversions:

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

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

d. Modifications to Project:

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley 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 Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

e. Transfer of Property Ownership:

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

i. The Permittee must notify the Central Valley 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 Central Valley Water Board at least 10 days prior to the transfer of ownership.

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

f. Transfer of Long-Term BMP Maintenance:

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley 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 Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. General:

If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

a. when performing any in-water work;

b. during the entire duration of temporary surface water diversions;

c. in the event that the Project activities result in any materials reaching surface waters; or

d. when any activities result in the creation of a visible plume in surface waters.

2. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley 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:

During planned in-water work, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

b. Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.

c. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.

d. Activities shall not cause turbidity increases in surface water to exceed:

i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;

v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

e. Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.[3] For linear waterways with an upstream and downstream, the applicable sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. For non-linear waterways, the sampling in Table 3 shall be conducted in the water body outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the lake.

[3] Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every month thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

If no sampling is required, the Permittee shall submit a written statement stating, “No sampling was required” within two weeks on initiation of in-water construction, and every two weeks thereafter.

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 Hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours
Visible construction related pollutants[4]	Observations	Visual Inspections	Continuous throughout the construction period

4. Post-Construction:

If a maintenance project includes ground disturbance, visually inspect the project site during the rainy season (October 1 – April 30) for one year following completion of active Project construction activities to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley 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.

[4] Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

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 sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 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 Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. 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) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under 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), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

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 & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

   c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

   d. Sample or monitor for the purposes of assuring Order compliance.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

6. **Lake or Streambed Alteration Agreement:** The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

d. If water is present, the area must be dewatered prior to start of work.

e. Dewatering will occur within the Project area.

f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

g. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust:

Dust abatement activities can cause discharges of sediment to streams and uplands through 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 are approved by Central Valley Water Board staff.

5. **Good Site Management "Housekeeping"**

   a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.

   b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

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

6. **Hazardous Materials**

   a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

   b. Wet concrete will be placed into stream channel habitat after the area has been completely dewatered or when the work area is naturally dry.

   c. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

7. Invasive Species and Soil Borne Pathogens

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California 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 supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

10. Sediment Control

a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not

be placed where such materials could pass into surface water or surface water drainage courses.

b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.

c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. Special Status Species

Special status species documented to occur near or within the Project area are described in the Contra Costa County Routine Maintenance Manual, Chapter 4 Section 3, and the IS/MND. Documented Special Status Species include California tiger salamander, California red legged frog, Tricolored Blackbird, Golden Eagle, Burrowing Owl, Swainson's Hawk, Northern Harrier, White-tailed Kite, Loggerhead Shrike, Song Sparrow (Modesto population), Central valley steelhead, Longfin Smelt, western red bat, American badger, San Joaquin kit fox, legless lizard, western pond turtle, Alameda whipsnake, coast horned lizard, and giant garter snake.

12. Stabilization/Erosion Control

a. All areas disturbed by Project activities shall be protected from washout and erosion.

b. Hydroseeding shall be performed with California native seed mix.

13. Storm Water

a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction

activities as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff as part of the Annual Pre-Maintenance Notification Report. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the individual project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g., watering, weeding, and replanting). The Permittee shall provide annual monitoring reports with the Annual Pre-Maintenance Notification Report/Annual Post Maintenance Report.

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

3. If restoration of temporary impacts to waters of the state is not completed within 365 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of waters of the state.

1. Compensatory Mitigation Plan

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 Central Valley Water Board staff in the Annual Pre-Maintenance Notification Report if any permanent impacts are anticipated to occur for the upcoming maintenance season. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley 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 section 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 section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Permittee-Responsible Compensatory Mitigation Responsibility

a. Permittee responsible compensatory mitigation installation shall be completed within 365 days of authorized impacts.

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

i. Performance standards are met.

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

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

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

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

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

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

3. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board within 90 days of authorized impacts.

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

L. 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 quality. 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 Central Valley Water Board has determined that any potential water quality 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.

M. Programmatic Certification Conditions

1. The Permittee shall submit an Annual Notification Report 30 days before the start of each maintenance season (April 15th). Central Valley Water Board Staff will review the annual notification report and evaluate whether all maintenance activities described in the report are covered under this order.

2. The Permittee must receive approval of the Annual Notification Report from Central Valley Water Board Staff prior to in-water work.

3. The Central Valley Water Board reserves the authority to request additional information or exclude any segments from coverage if it cannot determine that the work on the proposed segments is consistent with the impacts identified in the ECCC RMP PGP or is not sufficiently protective of water quality standards or beneficial uses.

4. The Permittee shall obtain a separate Water Quality Certification for additional impacts not covered in the ECCC RMP PGP, including impacts not within the ECCC RMP boundary.

5. The Enrollee shall submit the project fee for impacts reported in the Annual Post Maintenance Report as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

N. General Prohibitions

1. This Order may not be used to authorize discharges of dredged and/or fill/excavation material into waters of the state for activities that are not covered by the U.S. Army Corps of Engineers Regional General Permit (RGP) 1.

2. After-the-fact authorizations: This Order may not be used to authorize activities that resulted in the discharge of dredged and/or fill/excavation material into waters of the state without Department of the Army (DA) authorization.

3. This Order may not be used to authorize discharges of dredged and/or fill/excavation material into waters of the state for activities covered under the USACE Letter of Permission Procedure, Abbreviated Standard Permit Process, Regional General Permit, or other USACE permit authorizations (e.g., Nationwide Permits).

O. Activities Covered

Culvert Maintenance: The County owns and maintains numerous culverts often comprised of corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), that route drainage from local collectors or ditches directly to downstream channels. Commonly these culverts cross beneath an access road and discharge into a flood control facility through a culvert outfall on the channel bank a few feet above the channel bed. When culverts are constricted by accumulated debris and sediment, they are manually cleared by hand and then flushed with the minimal amount of water necessary to remove debris/sediment and ensure proper drainage functioning. Silt fences, floating silt curtain, or other sediment capture devices are typically installed downstream of the work area in the channel to reduce and limit turbidity effects of flushing. After sediment and debris has been manually cleared, the culvert will be flushed from the downstream end with water until clean. If necessary, culverts can be flushed from the upstream end as well. This activity typically occurs in fall at the beginning of the rainy season.

On occasion, culverts may require repair or replacement due to material deterioration and structural damage. Repair or replacement of an existing culvert will occur within the same footprint as the original culvert. Culvert replacement typically involves removing the existing culvert, replacing the culvert with a new culvert of similar size, and anchoring it in place with steel reinforced concrete or grouted riprap depending upon the severity of erosion. Culvert replacement typically involves the replacement of culverts with same size. However, on

occasion there are reasons when the County may seek to upsize a culvert, because the existing size has proven repeatedly to be insufficient or requires frequent maintenance due to being sized inadequately. In such cases, the County would seek approval of an upsizing on a case-by-case basis. Because culverts would be replaced in-kind within the original footprint, no new hardening of the channel banks would occur. New culverts are generally installed using an excavator working from above the channel from the top-of-bank. Typically, each culvert replacement site will be between 25 to 60 feet in length. On occasion, a culvert replacement site associated with a sediment basin or other larger facility may reach up to 150 feet in length. Culvert repair and replacement activities typically occur during the summer season when water levels are low or absent. Dewatering of the creek may be required depending on site conditions and water levels.

Sediment Removal: Deposited or accumulated sediment can reduce a channel's capacity to safely convey streamflow. Accumulated sediment can also block culverts, bridges, or direct flows into streambanks and other structures causing erosion. To alleviate these increased flood risks associated with sediment accumulation, excess sediment from flood control channels and other facilities is removed.

Sediment removal occurs in natural, engineered, and concrete channels, as well as in culverts, sediment basins and other facilities (i.e., bridges, storm drain outlets, trash racks, other trash capture devices, and water diversion inlets). For this Maintenance Program, sediment removal activities are limited to small, localized areas that experience sediment deposition or blockages and not entire reaches; work generally occurs under dry channel conditions. However, if maintenance is necessary where water is in the flood control channel, dewatering would be conducted. Silt fences, floating silt curtain or other devices are typically installed to prevent silt movement downstream of the work area. Sediment removal will involve the use of hand tools, excavators, bulldozers, or front loaders depending on type of flood control facility, local conditions, sediment amounts, and site sensitivity. Once the sediment is removed from the County flood control channel or facility, it is placed in a dump truck for hauling to either a landfill or County owned parcel or temporarily stockpiled prior to disposal or reuse. Excavated sediment may be stockpiled in an upland area for up to 10 working days onsite.

Trash and Debris Removal: Debris removal involves removing non-sedimentary materials that are deposited in channels because of high flows or through human activity. Examples of debris include tires, shopping carts, trash, furniture, clothing, and other substances. Non-sedimentary debris typically occurs in the form of isolated objects or debris mounds or snags. Such debris can substantially reduce channel conveyance capacity and affect hydraulic conditions.

The County routinely monitors its flood control channels to remove debris that impairs hydraulic conditions or reduces flood channel conveyance capacity. The County also routinely monitors ditches, basins, and other minor facilities for presence of debris. Debris removal occurs on an as-needed basis as an outcome of these routine inspections. This activity may also be required to provide access for minor maintenance activities at flap gates or grade control structures.

Debris removal activities are generally conducted by work crews using hand tools and occasionally a winch. Non-vegetative debris is removed from the site via dump truck for disposal at a solid waste landfill. Hazardous waste (such as paint and oil) is sealed in protective containers and disposed at an appropriate hazardous waste facility.

Access Road and Ramp Maintenance: The majority of County channels have a maintenance access road parallel to the channel above and beyond the top of the channel bank. In some locations, access roads occur on one side of a channel, and, in other locations, access roads occur on both sides of channel. Channel access road and ramp maintenance primarily includes grading and/or resurfacing access roads at the top of bank and managing adjacent vegetation. To ensure that the road surface routes water and sediment off the access roads to the shoulder or ditch adequately, the County will grade unpaved access roads to ensure proper drainage and minimal erosion and sedimentation. Along three channels, there is no maintenance access road found at the top of bank but rather, the County utilizes ramps to access the channels, which are situated on top of an inset floodplain bench, approximately half-way down the channel bank. Maintenance, repair, and compaction of access roads and ramps occur on an as-needed basis.

Erosion Protection: While this Maintenance Program does not include bank stabilization/repair work (e.g., rock slope protection or riprap), it does include minor slope and temporary erosion protection stabilization treatments to control erosion and prevent additional sediment input to the channel during maintenance work. Erosion protection is typically needed along earthen channels where minor erosion is evident typically needed along earthen channels. On an as-needed basis, typically after the rainy season, minor erosion is evident along channel banks and require some stabilization measures. Treatments may include low-impact fixes, such as installation of revetment fencing, erosion protection blankets, straw wattles, coir cloth, and tarping. Preference is given to biotechnical treatments. Once maintenance work is complete, any non-degradable materials will be removed from the site.

Vegetation Management Activities: Primary vegetation management activities conducted routinely through the Maintenance Program include mowing, trimming, and pruning, tree removal, herbicide application, grazing, fallen tree removal and invasive plant removal. The goals of routine vegetation management are to maintain the operational capacity of County flood control facilities; reduce or

eliminate invasive/exotic weeds at County facilities; maintain defensible space around County facilities to reduce fire fuel loads and fire risks and hazards; reduce potential areas for encampments; and provide visibility for increased public safety. Except for trimming and pruning, herbicide application, and fallen tree removal, most the County's vegetation management activities occur above and outside of the ordinary high-water mark (OHWM).

- **Trimming and Pruning of Emergent Aquatic Vegetation:** Cattails (Typha spp.) are commonly (but not necessarily) found in reaches with little to no riparian canopy and are often located in channels in need of sediment removal. Cattails generally establish in low-gradient channels in areas of slow-moving or stagnant flow and where sediment drop out has occurred. The establishment of cattails traps sediment, further reducing flow velocities. In addition, dead plant matter can settle and redirect flows to the opposite side of the channel, which can lead to bank erosion (in earthen channels) if not managed. Further, if not properly managed, as cattails die and decompose in the channel, the vegetation can clog culverts and inlet structures. Tules and bulrushes (Schoenoplectus spp.) follow a similar pattern.

To prevent potential loss of capacity in flood control channels and sediment basins, the County trims and removes cattails, tules, and other emergent vegetation from these facilities as necessary either mechanically or through application of aquatic herbicides. Cattails and tules are mowed either through use of mechanical equipment or by hand tools, such as bladed weed eaters, swing blades or machetes.

In areas where trees do not prohibit access, other equipment, such as an excavator with a flail mower extension positioned at top-of-bank, may be used. Cattails and tules are typically cut 6 inches above the water line where possible. Typically, cut cattails and tules are removed from channels through use of a boom, winch, or by hand if necessary. Cattail and tule mowing generally occurs between September 1 and November 30. Once work is completed, cut vegetation and debris are hauled to a suitable disposal site such as a green waste disposal facility.

- **Aquatic Herbicide Application:** Herbicide application on emergent aquatic vegetation occurs within County-maintained flood control channels. Similar to other vegetation management activities, this activity is also conducted to control non-native or invasive aquatic species (e.g., cattails and Parrotfeather (Myriophyllum aquaticum)) to ensure sufficient flow conveyance capacity in channels and sediment basins. Aquatic herbicide application is typically applied once per year between the months of April and October with limited use between the months of December and February. All aquatic herbicide application is conducted in compliance with the Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges from Algae and Aquatic Weed Control Applications (State Water Resources Control Board (SWRCB)

Water Quality Order 2013-0002-DWQ; General NPDES Permit CAG990005). This permit covers aquatic discharges of herbicides containing 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, sodium carbonate peroxyhydrate, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol. As required by the General NPDES Permit, the County conducts aquatic herbicide applications according to a state-approved Aquatic Pesticide Application Plan (APAP). Per permit conditions and the APAP, the County's maintenance staff record the type of herbicide used and where it has been applied. Annual monitoring reports are submitted to the State Water Board and Central Valley Regional Board's to document aquatic herbicide application events, effectiveness of Best Management Practices (BMPs), and monitoring data.

- **Fallen Tree Repositioning and Removal:** When a tree falls in a County-maintained channel, the County evaluates site conditions to determine whether the tree can be maintained on-site as woody debris, particularly if downed tree appears to be providing habitat, geomorphic or other channel stability benefits, and is not increasing the flood or erosion threat. The County evaluates site conditions to determine whether the fallen tree has the potential to significantly obstruct flows, deflect flows towards banks and cause an increased erosion risk, is located on a levee or bank slope, or is located near a channel crossing, culvert, or other facility that could be potentially affected by the tree being transported and deposited up against the feature or facility. The County also considers the feasibility of repositioning or modifying the fallen tree in channels in such a manner that public safety is not at risk, necessary conveyance capacity is not reduced, the potential for bank erosion is not increased, and the potential for pinning of the tree against a feature or facility is not likely.

If a fallen tree cannot be retained on-site as large woody debris due to limits in channel capacity, hydraulic flow risks, potential flow diversion and bank erosion, or other potential hazards, then fallen trees may be removed. The rationale for repositioning or removing a fallen tree, trunk, or limbs is based on a pre-maintenance survey conducted by the County. Fallen trees, trunk or limbs are cut off at the bed or bank invert with hand tools and removed with a winch and cable or other equipment operated from the top of bank. Root structures of fallen trees located along channel banks shall be left in place and not disturbed. Any large woody debris that does not appear to be obstructing flows shall be left in place and/or repositioned. Fallen tree repositioning and removal is conducted on an as-needed basis. In a typical year, the County may address five fallen trees in County channels.

Minor Maintenance Activities: In addition to the primary maintenance activities described above, the County conducts several other minor small-scale routine

maintenance activities in their flood control channels countywide. These activities are summarized below:

- **Concrete Channel Repair**: Includes spall repair and sealing of cracks in the concrete bed and banks of flood control channels. These activities are conducted by hand (no mechanical equipment involved) in August/September when the channel is as dry as possible.

- **Trash Rack Clearing:** Occurs at dam spillways, basin inlets, and channel and culvert inlets and involves using chainsaws to break up tangled branches and vegetation masses and/or pitchforks and load nets to load debris into dump trucks for disposal. The amount of trash removed annually varies depending on the type of winter. Typical amounts of trash and debris removal per trash rack is 75 to 350 cubic yards per year.

- **Rodent Control:** involves filling burrows with earthen material found throughout the County's earthen levees and dams.

- **Dam Site Maintenance:** Includes debris removal, sealing cracks with epoxy, earthen repairs, mowing, access road grading, burrow control (as noted above), and trash rack maintenance.

- **Small Structure Maintenance:** Includes maintaining and servicing flap gates, subdrain vaults, tide gates, fish ladders, fish screens, grade control structures, weirs or gates, stream gauge structures, pump station inlet/outlet structures, energy dissipaters, piers and pilings. Maintenance includes inspecting these other small facilities for any mechanical repairs and removing any debris on an as-needed basis that is affecting the facilities' functioning.

- **Graffiti Removal:** Involves painting by hand or use of mechanical sprayers on concrete walls and ramps.

- **Fence and Gate Repair**: Occurs as needed to protect the public and County property. This work is generally beyond the interest or authority of regulatory agencies.

XV. Water Quality Certification

I hereby issue the Order for the Contra Costa County Routine Maintenance Program, WDID # 5B07CR00251, 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). 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 (Water Code, section 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.

Digitally signed by Anne Walters
Date: 2023.04.12 16:50:14 -07'00'

Water Boards

Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

Attachment A: Project Maps
Attachment B: Receiving Waters, Impacts, and Mitigation Information
Attachment C: CEQA Findings of Facts
Attachment D: Report and Notification Requirements
Attachment E: Signatory Requirements
Attachment F: Certification Deviation Procedures
Attachment G: Compliance with Code of Federal Regulations

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Attachment A – Project Maps

Figure 1: Project Area

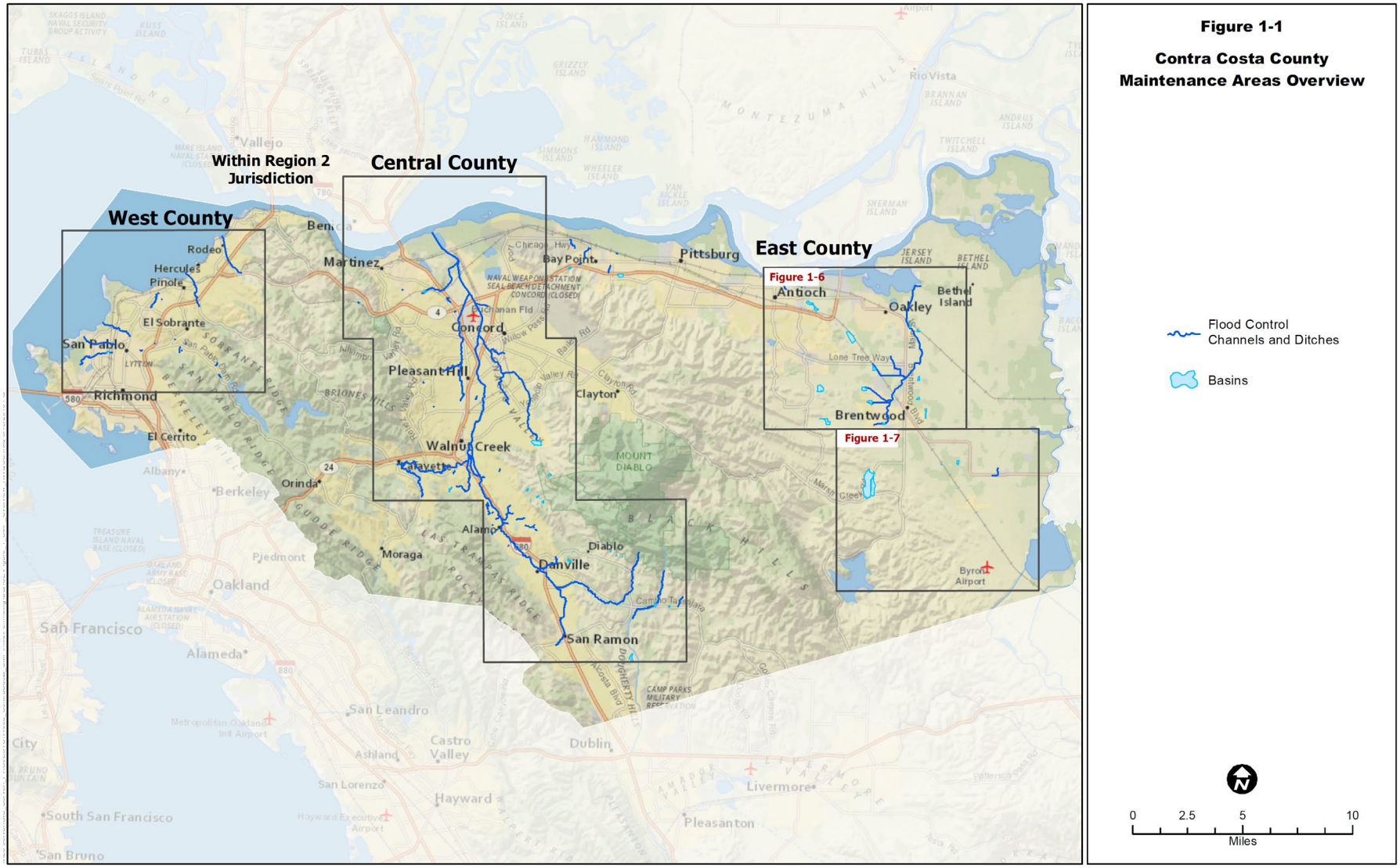


Figure 2: Marsh Creek Watershed

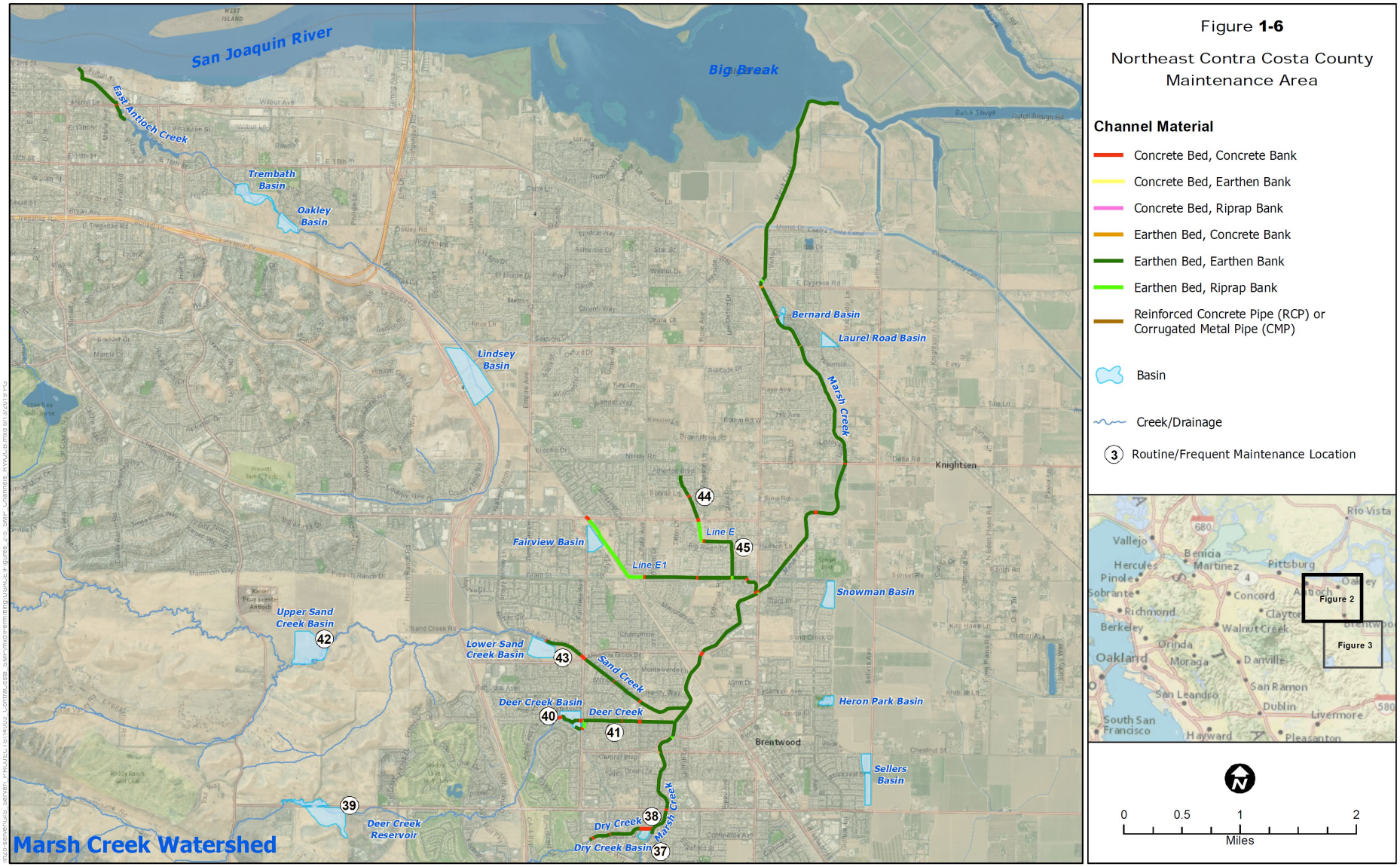
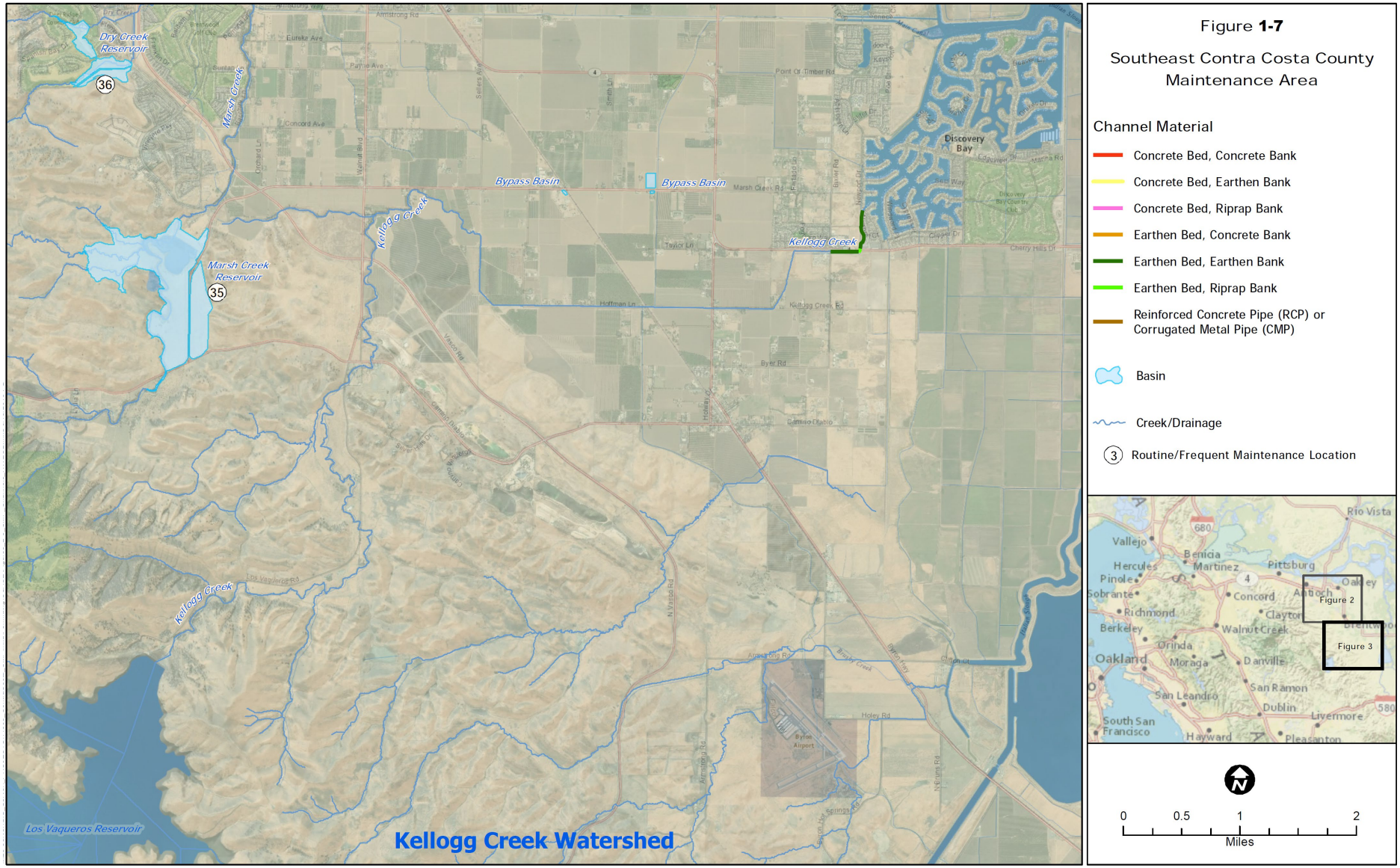


Figure 3: Kellogg Creek Watershed



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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	35	Marsh Creek Reservoir	Lake	543	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	Marsh Creek	Marsh Creek	Stream	543/544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	36	Dry Creek Reservoir	Lake	543	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	37	Dry Creek Basin	Lake	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	38	Dry Creek	Stream	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	39	Deer Creek Reservoir	Lake	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	40	Deer Creek Basin	Lake	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	41	Deer Creek	Stream	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	42	Upper Sand Creek Basin	Lake	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	43	Lower Sand Creek Basin	Lake	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	
No	44	Line E	Stream	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	45	Line E1	Stream	544	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1(Contact), REC-2, WARM, COLD, MIGR, SPWN (warm), WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Selenium	

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Location Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?
35	37.883811	-121.727756	No
Marsh Creek	37.964262	-121.683894	No
36	37.912041	-121.738733	No
37	37.922399	-121.713623	No
38	37.922357	-121.716464	No
39	37.924341	-121.763766	No

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?
40	37.936688	-121.725126	No
41	37.936409	-121.719838	No
42	37.944927	-121.766905	No
43	37.945221	-121.730231	No
44	37.960059	-121.7054	No
45	37.954378	-121.709869	No

Compensatory Mitigation Information

The following table show individual compensatory mitigation information and locations.

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

In-Lieu Fee Program Name:	East Contra Costa County HCP/NCCP
Website:	https://www.cocohcp.org/
In-Lieu Fee Program Contact Name:	John Kopchik
Phone:	(925) 335-1227
Email:	john.kopchik@dcd.cccounty.us
In-Lieu Fee Program Location - County:	651 Pine Street, 4th Floor NW, Martinez, CA 94553

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 17 November 2020, Contra Costa County, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2020060286) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2020. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Contra Costa County's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Contra Costa County addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Contra Costa County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: https://ceqanet.opr.ca.gov/2020060286/2.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

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

C. Findings

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

> *Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant environmental effect as described in the IS/MND.*

a.i. Potential Significant Impact:

Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in

local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

The following BMPs, as incorporated as part of this project and described in this order and the Contra Costa Routine Maintenance Manual, would avoid, and minimize impacts to special-status species by minimizing the disturbance area and implementing special measures for specific special-status species:

- BMP GEN-1: Work Windows
- BMP GEN-2: Minimize the Area of Disturbance
- BMP GEN-3: Channel Access
- BMP GEN-4: Erosion and Sediment Control Measures
- BMP GEN-5: Staging and Stockpiling of Materials
- BMP GEN-6: On-site Hazardous Materials Management
- BMP GEN-7: Existing Hazardous Materials
- BMP GEN-8: Spill Prevention
- BMP GEN-9: Spill Response
- BMP GEN-10: Vehicle and Equipment Maintenance
- BMP GEN-11: Vehicle and Equipment Fueling
- BMP GEN-12: Flow Diversions and Dewatering Measures
- BMP GEN-13: Invasive Plant Removal
- BMP GEN-15: Worksite Housekeeping
- BMP GEN-16: Use of Cementitious Materials
- BMP GEN-17: Standard Herbicide Use and Application Requirements
- BMP GEN-18: Herbicide Applicator Training
- BMP GEN-19: Herbicide Application Personnel
- BMP BIO-1: Staff Training

  A qualified biologist will hold an annual training session for staff responsible for performing maintenance activities. Staff will be trained to recognize special-status species and their habitats. Staff will also be trained to use protective measures to ensure that such species are not adversely impacted by maintenance activities.

  At least one staff person with up-to-date training in special-status species protective measures will be present at each work site at all times.

- BMP BIO-2: Minimize Impacts to Nesting Birds

  If ground-disturbing maintenance work (e.g., culvert repair or replacement) or tree removal is scheduled to occur between February 15 and September 1, a qualified biologist or biological monitor shall conduct reconnaissance-level surveys for nesting birds within suitable habitat for nesting birds no more than two weeks prior to routine maintenance activities. The biologist or biological monitor shall be familiar with breeding behaviors and nest structures for birds known to nest in the work area. Surveys shall include upland access routes and staging areas in addition to each work site.

  Nesting bird surveys are not required for all maintenance work conducted within concrete-lined or earthen trapezoidal channels that are mechanically mowed to maintain vegetation below a height of six (6) inches.

  If this survey finds evidence of nesting birds, CDFW may be notified and consulted regarding appropriate no-work buffer areas to be established. Buffers will be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for survival.

  If a lapse in project-related work of 7 days or longer occurs, another focused survey and if required, consultation with CDFW and USFWS, shall be required before project work can be reinitiated.

- BMP BIO-3: Protection of California Red-legged Frog

  If suitable habitat for California red-legged frog (CRLF) exists at a given work site or within reasonable dispersal distance (per RMA checklist), the following measures must be followed:

  1. A qualified biologist or biological monitor shall conduct a reconnaissance-level survey for this species within 48 hours of the commencement of routine maintenance activities.
  2. If CRLF are found during surveys or construction, work shall halt, and a qualified biologist shall notify CDFW and USFWS for further guidance.
  3. If work is initiated after November 15 during the CRLF breeding season (between November 15 to May 15), aquatic vegetation in the maintenance area must be inspected by a qualified biologist for egg masses. If any egg masses are found, crews must leave a 15-foot vegetated buffer between the work area and the egg masses. However, if work is initiated prior to November 15 (i.e., outside of the CRLF breeding season), egg mass surveys would not be required due to continuous disturbance to the area associated with maintenance activities.

4. Keep a record of any work sites where egg masses are found and ensure that vegetation removal at these sites occurs prior to November 15 in subsequent years. Include this data in the annual summary reports and provide to USFWS.
5. Maintenance staff shall avoid entering the channel, within the 15-foot vegetated buffer to avoid dislodging egg masses.
6. The County will comply with all pesticide application requirements mandated by the USEPA and stipulated injunctions pertaining to California red-legged frog. For example, in areas subject to the 2006 injunction1 which was brought against the USEPA by the Center for Biological Diversity, pesticides will be limited for controlling state-designated invasive species and noxious weeds, will not be used within 15 feet of aquatic breeding critical habitat or non-breeding aquatic critical habitat areas or within 15 feet of aquatic features within non-critical habitat sections subject to the 2006 Court-ordered injunction; precipitation is not occurring or forecast to occur within 24 hours; and pesticide is limited to localized spot treatment using hand-held devices.
7. Herbicide application will only be conducted when weather is dry, wind is not above 5 mph and air currents are moving away from CRLF habitat, and no rain is in the forecast for the next 24 hours.

- BMP BIO-4: Protection of Bat Colonies

  If suitable bat habitat is determined to be present (per RMA checklist) in or around the work area (e.g. where culverts, structures and/or trees would be removed or otherwise disturbed for over two hours), the following measures must be followed:

  1. A qualified biologist or biological monitor with training in bat habitat identification shall inspect features within 50 feet of the work area for potential roosting features no more than 48 hours prior to maintenance activities. Habitat features shall be flagged or marked.
  2. If any habitat features identified in the habitat assessment will be altered by project activities, a phased disturbance strategy shall be employed that allows bats roosting in the vicinity to evacuate during nocturnal foraging hours.
  3. Non-habitat trees or structural features shall be removed one day prior to removal of habitat features.

4. If bats are detected either during the habitat assessment or construction, all work shall stop and CDFW shall be notified immediately.
5. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
6. Do not attempt to directly disturb (e.g., shake, prod) roosting features, as such disturbance constitutes “harassment” under the Fish and Game Code.
7. A two-stage tree removal process over two consecutive days shall be implemented for trees containing bat habitat. The two-stage tree removal process shall entail the following:
    i. Step 1: small branches and small limbs containing no cavity, crevice or exfoliating bark shall be removed with chainsaws under field supervision by a qualified bat biologist.
    ii. Step 2: the remainder of the tree shall be removed the following day. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree, the next day prevents re-habituation and re-occupation of the altered tree.
8. For phased disturbance in other bat habitat types, CDFW shall be consulted for guidance on appropriate methods.

- BMP BIO-5: Protection of dusky-footed woodrats

  If suitable habitat for San Francisco dusky-footed woodrat is determined to be present (per RMA checklist) in the work area, the following measures must be followed:

  1. A reconnaissance-level survey must be conducted by a qualified biologist or the biological monitor within 2 weeks prior to starting work.
  2. If a woodrat nest is found at or adjacent to the worksite, consult with a qualified biologist to determine an appropriate no-work buffer distance from the nest(s), based on the type of work being completed.
  3. Do not disturb or remove any woodrat nests or potential nest structures.
  4. Install flagging or temporary fencing to identify the no-work zone between the nest area and the maintenance site (remove when

the maintenance work is completed). No personnel or heavy equipment shall operate inside the buffer area.

5. Minimize the impact area and conduct construction activities within designated work areas.
6. Install erosion and sediment control BMPs as warranted.
7. If a woodrat is detected within the work area during construction, work shall halt in the vicinity of the individual(s) until they move out of the area of active construction. The biologist shall contact CDFW for guidance on how to proceed.

- BMP BIO-6: Protection of California Tiger Salamander

  If suitable habitat for California tiger salamander (CTS) is determined to be present (per RMA checklist), which includes suitable upland dispersal habitat, in or around the work area, the following measures must be followed:

  1. A reconnaissance-level survey must be conducted by a qualified biologist or the biological monitor within 48 hours prior to starting work.
  2. Each morning prior to commencement of work, a qualified biologist or the biological monitor shall inspect the work site including holes and excavated areas to ensure that CTS are not present within the work site.
  3. Open burrows shall be flagged for avoidance and the burrow shall not be disturbed.
  4. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
  5. Avoid work at night within 1 mile of known CTS locations during the rainy periods (September through April) unless there are emergency circumstances (e.g., flooding).
  6. If vegetation must be cleared within areas identified as suitable CTS habitat, cut to no less than four to six inches in height to allow undetected CTS to escape or be viewed safely.
  7. Minimize the impact area and equipment should stay within designated work areas.
  8. Dewater via CDFW approved method (see RMA) any areas that require work in the water.
  9. If a work site is to be temporarily dewatered by pumping, intakes will be completely screened with a wire mesh no larger than 3/16 inches (5 millimeters) to minimize the risk of CTS entering the pump system.

10. Install erosion and sediment control BMPs (e.g., silt fencing and straw wattles) that are tightly woven fibers netting or similar material to ensure no CTS are trapped or injured.
11. If CTS are observed by a qualified biologist or the biological monitor, construction must halt, and the biologist shall contact CDFW and USFWS for guidance on how to proceed.

- BMP BIO-7: Protection of Western Burrowing Owl

  If suitable habitat for western burrowing owl is determined to be present (per RMA checklist) in or around the work area, the following measures must be followed:

  1. A reconnaissance level survey must be conducted by a qualified biologist or the biological monitor within 48 hours prior to starting work.
  2. Each morning prior to commencement of project work, the biological monitor shall inspect the work site to ensure that western burrowing owl are not present within the project area.
  3. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
  4. A qualified biologist or biological monitor will note the location of any active burrows (being used by a burrowing owl) and notify all construction personnel prior to the beginning of work.
  5. If an active burrow is discovered during breeding season (February 1 – August 31), a 150-foot no-work buffer will be flagged around the burrow and all construction activities will be excluded from the buffer area.
  6. If an active burrow is discovered outside of the breeding season (September 1 – January 31), a 75-foot no-work buffer will be maintained, and all construction activities will be excluded from the buffer area.
  7. Minimize the impact area and stay within designated work areas.
  8. If a burrowing owl is observed, construction must halt, and the biologist shall contact CDFW for guidance on how to proceed.

- BMP BIO-8: Protection of Western Pond Turtle

  If suitable habitat for western pond turtle (WPT) is determined to be present (per RMA checklist) in or around the work area, the following measures must be followed:

1. A reconnaissance level survey must be conducted by a qualified biologist or the biological monitor within 48 hours prior to starting work.
2. Each morning prior to commencement of project work, the biological monitor shall inspect the work site to ensure that special status species are not present within the project area.
3. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
4. Western Pond turtle eggs are laid in a buried nest that is usually very well hidden and unlikely to be observed during pre-construction surveys. However, if a nest is discovered during pre-construction surveys, its location will be flagged, and workers notified of its presence. No ground-disturbance activities shall occur within 75 feet of the nest.
5. For sites that require work in a wetted channel, dewatering will be conducted via CDFW approved methods (see RMA).
6. Install erosion and sediment control BMPs as warranted.
7. If WPT are found during surveys or construction and could be adversely affected by work activities, work shall halt, and the biologist shall contact CDFW for guidance on how to proceed.

- BMP BIO-9: Protection of Tricolored Blackbird
    1. If maintenance work, including vegetation removal is scheduled to occur in tricolored blackbird habitat (see habitat assessment checklist in RMA) between February 15 and September 1, a qualified biologist or biological monitor shall conduct reconnaissance-level surveys for nesting birds within suitable nesting habitat no more than two weeks prior to routine maintenance activities.
    2. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
    3. If this survey finds evidence of nesting birds in the work site, work shall be postponed until August 15.
    4. If a lapse in project-related work of 7 days or longer occurs, another focused survey and, if required, consultation with CDFW and USFWS shall be required before project work can be reinitiated.
    5. Do not attempt to directly disturb (e.g., shake, prod) trees or shrubs that may contain nests, as such disturbance constitutes “harassment” under the Fish and Game Code.

6. Minimize the impact area and stay within designated work areas.
7. If a tricolored blackbird nest is observed in the construction zone, work shall halt, and the biologist shall contact CDFW and USFWS for guidance on how to proceed.

- BMP BIO-10: Protection of Alameda Whipsnake

  If suitable habitat for the Alameda whipsnake is determined to be present (per RMA checklist) in or around the work area, the following measures must be followed:

  1. A reconnaissance-level survey within suitable habitat must be conducted by a qualified biologist or the biological monitor no more than 48 hours prior to starting work.
  2. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
  3. No excavation or other ground-moving activities shall take place from November 1 to March 1 to avoid harming snakes hibernating in crevices and burrows.
  4. Check for snakes underneath any vehicles parked in or near Alameda whipsnake habitat before driving.
  5. If necessary to install erosion control BMPs (e.g., silt fencing and straw wattles), use materials with tightly woven fibers (less than 1-centimeter gaps) to ensure Alameda whipsnakes are not trapped or injured.
  6. Minimize the impact area and stay within designated work areas.
  7. If an Alameda whipsnake is observed in the construction work area, work shall halt, and the biologist shall contact CDFW and USFWS for guidance on how to proceed.

- BMP BIO-11: Protection of Giant Garter Snake

  If suitable habitat for giant garter snake (GGS) is determined to be present (per RMA checklist) in or around the work area, the following measures must be followed:

  1. Each morning prior to commencement of work, a qualified biologist or the biological monitor shall inspect the work site including aquatic habitat edges, potential basking area near aquatic habitat such as the edge of channel banks, culverts, riprap, and piles of debris to ensure that GGS are not present within the maintenance area.

2. The biological monitor shall supervise the work to ensure that appropriate protective measures are implemented.
3. Work activities shall take place during GGS “active” season (May 1 through October 1), when practicable, due to easier detectability of GGS.
4. If work activities will take place outside of GGS “active” season and ground disturbance is required, then a qualified biologist must be present to survey all work activities.
5. Any dewatered habitat shall remain dry for at least 15 consecutive days prior to excavating or filling of the dewatered area when performing work activities from April 15 and throughout “active” season.
6. Where practical, limit vehicle speed to 15 mph on access routes and roadways to avoid running over basking GGS. Look for GGS basking on access routes during the “active” season.
7. Minimize the work activities within 200 feet from channel banks within GGS aquatic habitat and operate equipment within designated work areas.
8. Where possible, confine movement of heavy equipment and vehicles to existing roadways to minimize habitat disturbance.
9. Visually check for GGS under vehicles and equipment prior to moving them. Cap all materials onsite (culverts, pipes, etc.) to preclude GGS from becoming entrapped.
10. Install erosion and sediment control BMPs as warranted.
11. If a GGS is found during work activities, the biologist shall contact USFWS and CDFW for guidance on how to proceed.

- BMP BIO-12: Protection of Special-status Plants

  Prior to sediment removal or other ground disturbing activities in tidal/brackish portions of County-maintained channels, a qualified botanist shall perform surveys for special-status plants with the potential to occur in these areas, which include soft salty bird's-beak (Chloropyron molle ssp. molle [Cordylanthus mollis ssp. mollis]), Mason's lilaeopsis (Lilaeopsis masonii), Delta mudwort (Limosella australis), Suisun Marsh aster (Symphyotrichum lentum),small spikerush (Eleocharis parvula), Marin knotweed (Polygonum marinense), Bolander's water-hemlock (Cicuta maculata var. bolanderi), and Delta tule pea (Lathyrus jepsonii var. jepsonii). The survey(s) shall occur within two years of the start of sediment removal/ground disturbing activities in tidal/brackish portions of channels. To account for potential indirect effects, the survey area will

include the proposed ground disturbance area and an appropriate buffer to be determined by a qualified botanist. The entire survey area will be walked to ensure thorough coverage. Floristic surveys will be performed during the appropriate bloom period(s) for each target species, or at a time when plants can be identified to a taxonomic level necessary to determine whether they are a special-status species. Reference sites may be visited as needed to confirm phenology. A report will be prepared which documents the survey area, methods, maps showing the location of any special-status plants identified, a list of plant taxa occurring in the survey area, assessment of potential impacts to special-status plants if present, and photographs of any special status plants identified.

If special-status plants may be directly or indirectly affected, the construction/sediment removal footprint will be adjusted, or an exclusion area will be established to avoid impacts to the plants. Locations of special-status plant populations will be clearly identified in the field by staking, flagging, or fencing prior to the commencement of activities that may cause disturbance. A qualified botanist shall determine whether direct and/or indirect impacts would occur.

If the botanist determines that impacts would not be completely avoided, the USFWS and CDFW shall be contacted for guidance on how to proceed.

Maintenance activities conducted in East County could potentially impact special-status species and habitat. Implementation of Mitigation Measure BIO-1 requires the County to follow the ECCC HCP/NCCP process for avoidance and minimization to species and habitats and where necessary pay associated fees or deed land in lieu of fees to mitigate for impacts.

Mitigation Measure BIO-1: Compliance with ECCC HCP/NCCP Measures

For all Tier 3 maintenance activities proposed in East County, the County's maintenance staff will be required to prepare an HCP/NCCP Planning Survey Report (PSR) to determine the applicable land cover type, associated species measures, conditions on covered activities, and determine appropriate fees. In order to protect special-status species covered by the HCP/NCCP, applicable HCP/NCCP species-specific measures will be implemented by the County. For example, in areas with suitable California tiger salamander habitat, written notification to USFWS, CDFW, and the Conservancy will be provided at least 30 days prior to disturbance of any suitable breeding habitat in order to allow for USFWS or CDFW staff to translocate individuals within 14 days of receiving notice from the Conservancy, if requested. For any impacts to special-status species and habitats, the County will be required to pay the appropriate HCP/NCCP fees, which will be determined at the time of the PSR.

<u>b.i. Potential Significant Impact:</u>

Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b.ii. Facts in Support of Finding:

Implementation of the following BMPs, as incorporated as part of this project, would reduce impacts on riparian vegetation during maintenance work by minimizing the work area, spread of invasive species, and effects to water quality:

- BMP GEN-2: Minimize the Area of Disturbance
- BMP GEN-3: Channel Access
- BMP GEN-5: Staging and Stockpiling of Materials
- BMP GEN-13: Invasive Plant Removal
- BMP GEN-17: Standard Herbicide Use and Application Requirements
- BMP GEN-18: Herbicide Applicator Training
- BMP GEN-19: Herbicide Application Personnel
- BMP BIO-1: Staff Training
- BMP BIO-12: Protection of Special-status Plants

Implementation of the above-mentioned BMPs would minimize disturbance of riparian vegetation due to sediment and debris removal, culvert repair/replacement activities, and vegetation management work. Nevertheless, the proposed program could result in losses of riparian habitat in order to meet the program goals pertaining to flood protection and public safety. This impact would be potentially significant. Implementation of Mitigation Measure BIO-2 would mitigate impacts on riparian habitat by replacing riparian habitat through restoration or by replacing the lost functions and values provided by these habitats through other means, such as non-native plant removal and watershed protection. In addition, for impacts to riparian vegetation in East County, the County will comply with the HCP/NCCP process by completing and submitting a PSR and pay associated fees or deed land in lieu of fees to mitigate for impacts where necessary as determined by the Conservancy. This mitigation measure would ensure that impacts to riparian habitat would be less than significant with mitigation.

Mitigation Measure BIO-2: Provide Compensatory Mitigation for Riparian Vegetation

The compensatory mitigation package, which is incorporated into the proposed program, will be implemented to compensate for impacts on woody riparian vegetation.

By April 15 of each year, the County would notify the relevant regulatory agencies (i.e., those agencies with jurisdictional authority or oversight) of the year's planned maintenance projects. The relevant regulatory agencies would be provided with information describing proposed maintenance project activities, locations, natural resource conditions, and any other key resource issues. The notification package would describe which ground-disturbing maintenance activities would result in impacts on temporary and permanent impacts on riparian habitat. It would also describe in detail the County's proposal for providing compensatory mitigation for those impacts and may include one or more options summarized below.

For regular maintenance activities located in West and Central County that have potential to remove some riparian habitat, the preferred mitigation approach is onsite mitigation. The general on-site mitigation approach is to restore the type of habitat that is impacted by maintenance activities in the same project vicinity or stream reach where the disturbance has occurred. For on-site, in-kind mitigation, the County will restore, preserve, and manage riparian habitats, or substantially improve the quality of highly degraded riparian habitats at a ratio of 1.5:1, meaning 1.5 acres of riparian habitat will be restored/created for every 1 acre of riparian habitat impacted by proposed program activities, or at a ratio determined acceptable by relevant regulatory agencies (e.g., CDFW). This may involve removing non-native invasive plants or planting riparian vegetation to provide ecological enhancement benefits.

Where on-site mitigation is not possible, off-site mitigation can provide opportunities for in-kind mitigation that aligns with the functions and values of natural resources that are potentially impacted by the proposed program but is done at a different location than where the maintenance occurs. The general approach is to conduct offsite mitigation within the same watershed or general region as where the maintenance activities occur. This type of mitigation is similar to the on-site option in that the focus is to provide in-kind habitat enhancement or restoration, stream functional improvement, water quality benefits, or overall watershed health improvements that offset maintenance impacts or reduce the need for maintenance.

For off-site, in-kind mitigation for riparian habitat, the County will acquire, preserve, enhance, and manage lands that provide similar ecological functions and values to the riparian impacted by program maintenance activities. The acquisition and preservation/enhancement of these higher quality lands will occur at a ratio of 3:1, meaning 3 acres of riparian shall be acquired, preserved, and enhanced for every 1 acre of riparian habitat impacted by proposed maintenance activities. Enhancement may include limited riparian planting, or invasive plant removal, or other activities to enhance riparian/aquatic habitat functions and values.

Other options for compensatory mitigation include partnering with local Contra Costa County-based watershed, stewardship, or non-profit organizations that lead or coordinate habitat restoration or watershed improvement projects. For

out-of-kind preservation of watershed lands as a means of compensatory mitigation, the acquisition of more general watershed conservation lands will occur at a ratio of 8:1 or as otherwise negotiated with regulatory agencies.

For maintenance activities in East County, the County will comply with the ECCC HCP/NCCP by completing and submitting a PSR and pay appropriate fees or deed land in lieu of fees to mitigate for impacts to riparian vegetation where deemed necessary by the Conservancy.

c.i. Potential Significant Impact:

Substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

c.ii. Facts in Support of Finding:

Maintenance activities could potentially result in the temporary or permanent loss of wetlands and other jurisdictional waters. Implementation of the following BMPs, as incorporated as part of this project, would minimize potential impacts to federally protected wetlands:

- BMP GEN-2: Minimize the Area of Disturbance
- BMP GEN-3: Channel Access
- BMP GEN-4: Erosion and Sediment Control Measures
- BMP GEN-5: Staging and Stockpiling of Materials
- BMP GEN-6: On-Site Hazardous Materials Management
- BMP GEN-8: Spill Prevention
- BMP GEN-9: Spill Response
- BMP GEN-10: Vehicle and Equipment Maintenance
- BMP GEN-11: Vehicle and Equipment Fueling
- BMP GEN-12: Flow Diversions and Dewatering Measures

While many vegetated wetland areas would be restored within 1 to 2 years following in channel work, proposed maintenance activities may result in losses of wetlands and other waters even with implementation of the above-referenced BMPs, which is a potentially significant impact. Implementation of Mitigation Measure BIO-3 would reduce impacts on wetlands and other waters to a level that would be less than significant with mitigation.

Mitigation Measure BIO-3: Provide Compensatory Mitigation for Impacts on Wetlands and Other Waters

By April 15 of each year, the County would notify the relevant regulatory agencies (i.e., those agencies with jurisdictional authority or oversight) of the

year's planned maintenance projects. The relevant regulatory agencies would be provided with information describing proposed maintenance project activities, locations, natural resource conditions, and the County's proposal for providing compensatory mitigation for impacts on wetlands and other waters summarized below.

For regular maintenance activities located in West and Central County that have potential to remove wetlands/other waters, the preferred mitigation approach is onsite mitigation at a 1.5:1 or at a ratio determined acceptable by relevant regulatory agencies (e.g., RWQCB).

Where on-site mitigation is not possible, off-site mitigation can provide opportunities for in-kind mitigation that aligns with the functions and values of natural resources that are potentially impacted by the proposed program but is done at a different location than where the maintenance occurs. The general approach is to conduct offsite mitigation within the same watershed or general region as where the maintenance activities occur.

For off-site, in-kind mitigation for wetlands and other waters, the County will acquire, preserve, enhance, and manage lands that provide similar ecological functions and values to the wetlands and other waters impacted by program maintenance activities. The acquisition and preservation/enhancement of these higher quality lands will occur at a ratio of 3:1 or at a ratio determined acceptable by relevant regulatory agencies (e.g., RWQCB) Enhancement may include limited wetland or bank planting, invasive plant removal, or other activities to enhance the habitat functions and values of wetlands and other waters.

Other options for compensatory mitigation include partnering with local Contra Costa County-based watershed, stewardship, or non-profit organizations that lead or coordinate habitat restoration or watershed improvement projects.

For maintenance activities in East County, the County will comply with the ECCC HCP/NCCP process by completing and submitting a PSR and pay appropriate fees or deed land in lieu of fees to mitigate for impacts to wetlands and other waters where necessary.

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts. (California Code of Regulations, title 14, section 15096, subd (h).)

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Attachment D – Reports and Notification Requirements

I. Copies of this form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report; please retain for your records. If you need to obtain a copy of the Cover Sheet, you may download a copy of this Order as follows:

A. Central Valley Regional Water Quality Control Board's Adopted Orders Web page (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**

- **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
- **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
- **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.Savino@waterboards.ca.gov.
- Include in the subject line of the email:
  ATTN: Nicholas Savino; Project Name; and WDID No. 5B07CR00251

III. Definition of Reporting Terms

A. Active Discharge Period:

The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.

B. Request for Notice of Completion of Discharges Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period.

C. Request for Notice of Project Complete Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

D. Post-Discharge Monitoring Period:

The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

E. Effective Date:

12 April 2023

IV. Map/Photo Documentation Information

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

A. Map Format Information:

Preferred map formats of at least 1:24000 (1” = 2000’) detail (listed in order of preference):

- **GIS shapefiles**: The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. <u>Photo-Documentation:</u>

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

V. Report and Notification Cover Sheet

Project: Contra Costa County Routine Maintenance Program

Permittee: Contra Costa County Public Works Department

WDID: 5B07CR00251

Reg. Meas. ID: 450471

Place ID: 884751

Order Effective Date: 12 April 2023

Order Expiration Date: 11 April 2028

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report

Report Type 2 ☐ Annual Pre-Maintenance Notification Report

Report Type 3 ☐ Annual Post Maintenance Report

B. Part B – Project Status Notifications

Report Type 4 ☐ Commencement of Construction

Report Type 5 ☐ Request for Notice of Completion of Discharges Letter

Report Type 6 ☐ Request for Notice of Project Complete Letter

C. Part C – Conditional Notifications and Reports

Report Type 7 ☐ Accidental Discharge of Hazardous Material Report

Report Type 8 ☐ Violation of Compliance with Water Quality Standards Report

Report Type 9 ☐ In-Water Work/Diversions Water Quality Monitoring Report

Report Type 10 ☐ Modifications to Project Report

Report Type 11 ☐ Transfer of Property Ownership Report

Report Type 12 ☐ Transfer of Long-Term BMP Maintenance Report

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

Print Name[1]	**Affiliation and Job Title**

Signature	**Date**

[1]STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature	**Date**

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

a. Report Purpose - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.

b. When to Submit - On the 15th day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents -

i. Construction Summary

Describe maintenance activities and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control If construction has not started, provide estimated start date.

ii. Event Summary

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.

iii. Photo Summary

Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

iv. Compliance Summary

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

2. Report Type 2 - Annual Pre-Maintenance Notification Report

a. Report Purpose - Notify the Central Valley Water Board staff of proposed maintenance activities for the upcoming maintenance season.

b. When to Submit - Annual Pre-Maintenance Notification Reports shall be submitted each year at least 30 days prior to the start of the maintenance season (April 15th). Annual Pre-Maintenance Notification Reports shall continue to be submitted until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents - The contents of the annual report shall include the topics indicated below. Report contents are outlined in Annual Report Topics below.

- **Topic 1: Planed Maintenance Activities**
- **Topic 2: Restoration for Temporary Impacts**
- **Topic 3: Permanent Impacts**
- **Topic 4: Compensatory Mitigation Plan for Permanent Impacts**

i. Annual Pre-Maintenance Notification Report Topic 1 – Planned Maintenance Activities

When to Submit - With the Annual Pre-Maintenance Notification Report, at least 30 days prior to the start of the maintenance season.

Report Contents – Planned maintenance activities for the upcoming maintenance season, description of maintenance activities, locations of maintenance sites, total impacts to waters of the state for each maintenance location

1) Map showing maintenance locations.

2) If applicable:

a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).

b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

ii. Annual Pre-Maintenance Notification Report Topic 2 – Restoration Plan for Temporary Impacts

When to Submit - With the Annual Pre-Maintenance Notification Report, at least 30 days prior to the start of the maintenance season.

Report Contents -

1) Planned date of initiation and map showing locations of temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.

2) A schedule of restoration activities; plans for grading of disturbed areas to pre-project contours; planting palette with plant species

native to the individual project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).

iii. Annual Pre-Maintenance Notification Report Topic 2 – Restoration Plan for Temporary Impacts

When to Submit - With the Annual Pre-Maintenance Notification Report, at least 30 days prior to the start of the maintenance season.

Report Contents – Description of Permanent impacts that will occur as a result of maintenance activities, maps showing location of permanent impacts

iv. Annual Pre-Maintenance Notification Report Topic 3 - Compensatory Mitigation Plan for Permanent Impacts

When to Submit - With the Annual Notification Report, at least 30 days prior to the start of the maintenance season.

Report Contents - *If not applicable report N/A.

1) **Part A. Permittee Responsible**
   a) Planned date of initiation of compensatory mitigation site installation.
   b) Map of mitigation site.
   c) Monitoring period and performance standards.
2) **Part B. Mitigation Bank or In-Lieu Fee**
   a) Proposed credit types and quantities to be purchased.
   b) Include the name of bank/ILF Program and contact information.
   c) If ILF, location of project and type if known.

3. Report Type 3 - Annual Post Maintenance Report

a. Report Purpose - Notify the Central Valley Water Board staff of maintenance activities that took place in the maintenance season.

b. When to Submit - Each year on the 31st day of January. Annual Post Maintenance Reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

- **Topic 1: Reported Maintenance Activities**
- **Topic 2: Restoration of Temporary Impacts**

- **Topic 3: Compensatory Mitigation for Permanent Impacts**

i. Annual Post Maintenance Report Topic 1 – Reported Maintenance Activities

When to Submit - With the Annual Post Maintenance Report, each year on the 31st day of January.

Report Contents – Maintenance activities that took place during the maintenance season, description of maintenance activities, locations of maintenance sites, total impacts to waters of the state for each maintenance location.

1) Map showing maintenance locations.
2) If applicable:
   a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).
   b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

ii. Annual Report Topic 2 – Restoration of Temporary Impacts

When to Submit - With the annual post maintenance report, each year on the 31st of January.

Report Contents -

1) Planned date of initiation and map showing locations of temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts

When to Submit - With the Annual Post Maintenance Report, each year on the 31st of January.

Report Contents - *If not applicable report N/A.

3) Part A. Permittee Responsible

a) Planned date of initiation of compensatory mitigation site installation.
b) If installation is in progress, a map of what has been completed to date.

c) If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

4) Part B. Mitigation Bank or In-Lieu Fee

a) Status or proof of purchase of credit types and quantities.

b) Include the name of bank/ILF Program and contact information.

c) If ILF, location of project and type if known.

B. <u>Part B – Project Status Notifications</u>

1. Report Type 4 - Commencement of Construction

a. Report Purpose - Notify Central Valley Water Board staff prior to the start of construction.

b. When to Submit - Must be received at least seven (7) days prior to start of initial ground disturbance activities.

c. Report Contents -

i. Date of commencement of construction.

ii. Anticipated date when discharges to waters of the state will occur.

iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

iv. Construction Storm Water General Permit WDID No.

v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

2. Report Type 5 - Request for Notice of Completion of Discharges Letter

a. Report Purpose - Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.

c. Report Contents -

i. Status of storm water Notice of Termination(s), if applicable.

ii. Status of post-construction storm water BMP installation.

iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.

iv. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

v. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

3. Report Type 6 - Request for Notice of Project Complete Letter

a. Report Purpose - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.

2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

ii. Part B: Permittee Responsible Compensatory Mitigation

1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.

2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.

3) Pre- and post-photo documentation of all compensatory mitigation sites.

4) Final maps of all compensatory mitigation areas (including buffers).

iii. Part C: Post-Construction Storm Water BMPs

1) Date of storm water Notice of Termination(s), if applicable.

2) Report status and functionality of all post-construction BMPs.

3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. <u>Part C – Conditional Notifications and Reports</u>

1. Report Type 7 - Accidental Discharge of Hazardous Material Report

a. **Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.

b. **When to Submit** - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

c. **Report Contents** -

i. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.

ii. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.

iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

2. **Report Type 8 - Violation of Compliance with Water Quality Standards Report**

a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.

b. **When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.

c. **Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

3. **Report Type 9 - In-Water Work and Diversions Water Quality Monitoring Report**

a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.

b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2)

weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.

c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

4. **Report Type 10 - Modifications to Project Report**

   a. **Report Purpose** - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

   b. **When to Submit** - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

   c. **Report Contents** - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

5. **Report Type 11 - Transfer of Property Ownership Report**

   a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.

   b. **When to Submit** - At least 10 working days prior to the transfer of ownership.

   c. **Report Contents** -

      i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:

         1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and

         2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

      ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

6. **Report Type 12 - Transfer of Long-Term BMP Maintenance Report**

a. **Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

b. **When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.

c. **Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

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

A. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice-president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

B. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

1. The authorization is made in writing by a person described in items 1.a through 1.c above.
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
3. The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

C. Any person signing a document under this section shall make the following certification:

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

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Attachment F – Certification Deviation Procedures

I. Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XIV of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

A. Who may apply:

The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

B. How to apply:

By letter or email to the 401 staff designated as the contact for this Order.

C. Certification Deviation Request:

The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
    a. Proposed activity description and purpose;
    b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
    c. How the Project activity is currently addressed in the Order; and,
    d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental

document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

D. Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
   a. Activity description and purpose;
   b. Activity location, start date, and completion date;
   c. Erosion control and pollution prevention measures applied;
   d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
   e. Mitigation plan, if applicable; and,
   f. Map of activity location and boundaries; post-construction photos.

E. Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
   a. Site name(s);
   b. Date(s) of Certification Deviation approval;
   c. Location(s) of authorized activities;
   d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order;
   e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies);
   f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards; and
   g. Mitigation to be provided (approved mitigation ratio and amount).

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

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

I. General Justification for Section XIV Conditions

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

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

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

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

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

II. Specific Justification for Section XIV Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or

monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work and diversions are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

d. Modifications to Project

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

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

regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

D. Standard

1. This Order is subject to modification or revocation . . . .

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

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility . . . .

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

3. This Order is conditioned upon total payment of any fee . . . .

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

E. General Compliance

1. Failure to comply with any condition of this Order . . . .

The condition under Section E.1 places the Permittee on notice of any violations of Order requirements. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

2. Permitted actions must not cause a violation of any applicable water quality standards . . . .

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board's Basin Plan. The Basin Plan's water quality standards consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water

quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

3. **In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require . . . .**

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

4. **The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports . . . .**

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

Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

5. **This Order and all of its conditions herein continue to have full force and effect . . . .**

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

6. **The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program . . . .**

   This condition ensures mitigation measures required to lessen the significance of impacts to water quality identified pursuant to California Environmental Quality Act review are implemented and enforceable. Pursuant to California Code of Regulations, title 14, section 15097, subdivision (a), a public agency shall adopt a program for monitoring and reporting on mitigation measures imposed to mitigate or avoid significant environmental effects to ensure implementation.

7. **Construction General Permit Requirement**

   Permittees are required to obtain coverage under 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), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

8. **Delta Regional Monitoring Program (RMP) – Not Applicable**

F. Administrative

1. **Signatory requirements for all document submittals . . . .**

   The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under

penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

2. **This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species . . . .**

   Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et set.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

3. **The Permittee shall grant Central Valley Water Board staff . . . .**

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

4. **A copy of this Order shall be provided to any consultants, contractors, and subcontractors . . . .**

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

5. **A copy of this Order must be available at the Project site(s) during construction . . .**

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

6. Lake or Streambed Alteration Agreement

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

G. Construction

1. Dewatering

Conditions related to dewatering and diversions ensure protection of beneficial uses during construction activities. Work in waters of the state and temporary diversions must not cause exceedances of water quality objectives; accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality consistent with the Basin Plan and Antidegradation Policy. Further and consistent with the Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work. Finally, dewatering activities may require a Clean Water Act section 402 permit or separate Waste Discharge Requirements under Water Code section 13263 for dewatering activities that result in discharges to land.

Conditions related to water rights permits are required pursuant to California Code of Regs, title 23, section 3856(e), which requires complete copies of any final and signed federal, state, or local licenses, permits, and agreements (or copies of drafts if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity.

Conditions related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting

pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

2. **Directional Drilling – Not Applicable**

3. **Dredging – Not Applicable**

4. **Fugitive Dust**

   This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.) Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

5. **Good Site Management "Housekeeping"**

   Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

6. **Hazardous Materials**

   Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the narrative toxicity and chemical constituents water quality objectives. (Basin Plan, Sections 3.1.3, 3.1.20.) Further, conditions related to concrete/cement are required pursuant to the Basin Plan's pH water quality objective. (Basin Plan, Section 3.1.11.)

7. Invasive Species and Soil Borne Pathogens

Conditions related to invasive species and soil borne pathogens are required to ensure that discharges will not violate any water quality objectives under the Basin Plan, adopted under Water Code section 13240 of the Water Code. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Basin Plan, such as rare, threatened, or endangered species; wildlife habitat; and preservation of biological habitats of special significance. (See Basin Plan, Section 2.1.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19, 3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

10. Sediment Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment. (Basin Plan, Section 3.1.15.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

13. Storm Water

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

The conditions under Section J require restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires “in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions.” (Dredge or Fill Procedures section IV. A.2(d) & B.4.) Technical reporting and monitoring requirements under this condition are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.

K. Compensatory Mitigation for Permanent Impacts

Permittee-Responsible Mitigation

Mitigation Bank Development/In-Lieu Fee Project Development

The conditions under Section K regarding compensatory mitigation for permanent impacts ensure permanent physical loss and permanent ecological

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

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts . . . .

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates . . . .

Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).