Attachment E - 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.

This Attachment uses the same organizational structure as Section VIII. Conditions, and the statements below correspond with the conditions set forth in section VIII. The other Order Sections are not "conditions" as used in Code of Federal Regulations, title 40, section 121.7.

This Attachment includes citations to some sources of authority that are applicable to all conditions. These sources are specifically identified where they are most relevant but are also generally applicable to the conditions below. These conditions are generally required to comply with the state's Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Board Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which requires "existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to U.S. EPA, for dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with U.S. EPA's section 404(b)(1) Guidelines. The State Water Boards adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures) was adopted on April 2, 2019, and went into effect on May 28, 2020. The Dredge or Fill Procedures were adopted pursuant to the State Water Board's authority under Water Code section 13140 (state policy for water quality control) and 13170 (water quality control plan), and accordingly have regulatory effect. Consistent with Government Code, section 11353, a clear and concise summary of the Dredge or Fill Procedures is available in California Code of Regulations, section 3013. Per the Procedures, the permitting authority may only

approve a project if the demonstrations set forth in Section IV.B.1 have been made. The information required by Section IV.A is necessary to ensure compliance with Section IV.B.1.

California Code of Regulations, title 23, Chapter 28 also sets forth regulations pertaining to water quality certifications. Section 3856 sets forth information that must be included in water quality certification requests, includes a description of steps that have or will be taken to avoid, minimize, and compensate for impacts to waters of the state.

VIII. Conditions

Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements. The Water Board will review any project proposed for authorization under this General Order to analyze impacts to water quality and designated beneficial uses within the applicable watershed(s). The Corps' Regional General Permit contains additional activity specific Terms and Conditions which apply to all covered activities. If the eligibility requirements set forth in this General Order are not met, the Water Board will not authorize the proposed project under this General Order and instead require the project proponent to apply for an individual order or enrollment under another general order. Dischargers may also choose to apply for an individual order. Dischargers may proceed with the project under the following terms and conditions in accordance with this General Order:

Authorization under this Order is granted based on the application information submitted. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

A. Standard Conditions

Conditions set forth in this section are standard conditions that "shall be included as conditions of all water quality certification actions." (Cal. Code of Regs., section 3860).

These conditions are necessary to assure that any discharge authorized under the general license or permit will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United States. California Code of Regulations, title 23, Chapter 28 sets forth regulations pertaining to water quality certifications for point source discharges to waters of the United States. This condition was included to comply with section 3860, which sets forth conditions that must be included in all water quality certifications.

In addition, the State Water Board has separate authority under the California Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

The State Water Board is responsible for the water right, water quality, and drinking water functions of the California state government. (Wat. Code, § 174). Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A)). This condition explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute, or excuse the project proponent from obtaining any other State Water Board approvals required for the activity.

B. General Compliance

1. **Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans…**

   Permitted actions may not cause a violation of applicable water quality standards.

2. **Activities enrolled under this General Order must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in the Notice of Applicability.**

   Authorization under this General Order is granted based on the application information submitted, including engineering plans, specifications, and technical reports. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

C. Administrative

1. **Signatory requirements for all document submittals required by this General Order are presented in General Order Attachment D.**

   Conditions related to signatory requirements are also authorized by Water Code sections 13383 and 13267, which requires any person discharging waste that could affects the quality of waters to provide to the Water Boards, under penalty of perjury, any technical or monitoring program reports as required by the Water Boards. The signatory requirements are consistent with 40 C.F.R. section 122.22.

2. **Site Access:**

   The Discharger shall grant Water Board staff, or an authorized representative (including an authorized contractor acting as a Water

Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

a. **Enter upon the project premises where a regulated facility or activity is located or conducted, or where records are kept;**

b. **Have access to and copy any records that are kept and are relevant to the project or the requirements of this General Order;**

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

d. **Sample or monitor for the purposes of determining General Order compliance.**

Conditions related to site access requirements are authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. Water Code section 13267(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."

3. **The Discharger shall be responsible for work conducted by any consultants, contractors, or subcontractors working on the project. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on this project. Copies of this General Order shall remain at the project site for the duration of authorization under this General Order. All personnel performing work on the project shall be familiar with the content of this General Order and its posted location at the project site.**

   This condition requires site personnel and agencies to be familiar with the content of the Order and mandate availability of the document at the project site. This condition is required to assure that any authorized discharge will comply with the terms and conditions of the Order.

4. **Environmental Awareness Training: Prior to initiation of any project activity, all personnel (including contractors) shall participate in environmental awareness training conducted by a qualified professional who is knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources and related special-status species. More than one qualified professional may be needed depending on the size, location, and complexity of the project. The training shall include the requirements of this General Order, how to comply with this General Order, how to identify resources to be protected, and BMPs necessary to prevent water quality impacts.**

This condition is required pursuant to California Code of Regulations section 3856(e), which requires that copies be provided to the Water Boards 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, including training, shall be included."

D. Project Conditions

1. **All materials and supplies necessary for implementing effective BMPs under this General Order must be on-site and ready for use at the start of the activity and must remain in supply and ready for implementation throughout the project. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of the activity. Apply effective BMPs to erodible construction materials (e.g., soil, spoils, fly-ash, stucco, hydrated lime) to prevent erosion and pollutant transport to receiving waters;**

   On-site availability of materials and supplies assures best management practices can be reasonably implemented and that the discharge complies with water quality objectives. This condition and other conditions related to best management practices are consistent with the Water Board's authority to establish, "[w]ater quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area" pursuant to Water Code section 13241(c). The activities authorized under this General Order have the potential to result in a discharge that exceeds water quality objectives and work in waters of the state must not cause an exceedance of water quality objectives. As required by Water Code section 13369, all Water Quality Control Plans incentivize the use of best management practices to prevent prohibited discharges into waters of the state.

2. **Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion from disturbance prior to the start of project activities. Such identification must be properly maintained until construction is completed and the soils have been stabilized.**

   This condition is necessary to assure that the project discharge will comply with state discharge prohibitions that protect beneficial uses and water quality objectives. A description and delineation of impact sites is necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters (California Code of Regulations, title 23, section 3856(h); Dredge or Fill Procedures section IV.A.1(c); Water Quality Control Plan for the San Francisco Bay Region,

section 4.23.2). In addition, Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state, including areas that may be environmentally sensitive, such as vernal pools or eel grass beds. For example, "The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited" (Water Quality Control Plan for the North Coast Region, section 4.2.1).

Identification and visible demarcation of areas of avoidance must be obvious to all on-site personnel, to ensure that impacts only occur within the permitted boundaries of project disturbance and to prevent unauthorized discharges to other waters of the state, including environmentally sensitive areas. Furthermore, waters that are not quantified and mapped as either a temporary or permanent impact site in a water quality certification must be fully avoided throughout the duration of the construction activity. This condition is necessary to ensure protection of aquatic resources where no discharge is authorized to occur. Furthermore, excavated material that is improperly exposed can produce or contribute to runoff that results in an unintentional discharge to waters of the state, which is prohibited (Water Quality Control Plan for the North Coast Region, section 4.2.1).

3. **Unless authorized as a temporary or permanent impact, vehicles, construction equipment, personnel, all material, debris, spoils, soil, silt, sawdust, rubbish, steel, waste material, waste containers, other organic or earthen material, or any substances which could be detrimental to water quality or hazardous to aquatic life that could be discharged as a result of project related activities, shall be prevented from entering waters of the state.**

   Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. For example, "The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited" (Water Quality Control Plan for the North Coast Region, section 4.2.1).

4. **Material resulting from trench excavation temporarily sidecast into waters is a fill discharge.**

   See 8 below.

5. **Modifications, repairs, and improvements shall be made to BMPs, if the measures fail to prevent discharges of waste to waters of the state.**

   Authorization under this General Order is granted based on the application information submitted. This condition is necessary to ensure that if there are modifications to the project, that the project remains eligible for coverage under this General Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

6. **Dischargers shall implement the following applicable BMPs for waste management:**

   See 8 below.

7. **Dischargers shall implement the following BMPs to eliminate or minimize site erosion:**

   See 8 below.

8. **Heavy Equipment: Dischargers shall adhere to the following conditions when using heavy equipment within 150 feet of waters of the state:**

   Conditions 4, 5, 6, 7, and 8 limit activities such as construction or maintenance of roads, staging areas, water crossings, and temporary structures to assure that the activities are minimally impacting and comply with water quality objectives. These types of activities commonly require grading, construction, excavation, vegetation removal, and use of heavy machinery which may result in erosion and increased sediment loads, turbidity, etc., that adversely affect water quality. These conditions are required to assure that the discharges from such activities do not exceed water quality objectives established in Water Quality Control Plans, including water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. For example, the sediment water quality objective requires that, "the suspended sediment load and suspended sediment discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses" (Water Quality Control Plan for the North Coast Region, section 3.3.11). Additionally, improperly designed and/or installed roads and bridges may also create physical barriers to fish passage and impair the beneficial use of fish spawning (Water Quality Control Plan for the San Francisco Basin, section 7.8.4.1).

9. **Implement effective BMPs to control the discharge of plastic materials and limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Dischargers shall consider the use of plastic materials resistant to solar degradation where plastic materials are deemed necessary.**

This condition is required pursuant to the California Code of Regulations, section 3861 (d) (2) which prohibits discharges that violate any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. In addition, the discharge of plastic debris into waters is also prohibited by the state's Trash Amendments (Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; Resolution No. 2015-0019). This condition is also required to comply with the state's Anti-Degradation Policy (State Board Resolution No. 68-16).

10. Dischargers shall preserve existing topsoil, as follows:

The top 6 to 12 inches of topsoil tend to be richer in organic matter than other soil horizons below this depth. Therefore, it is essential to stockpile the topsoil layer separately from the rest of the soil in order to ensure survivorship of riparian vegetation populations upon completion of the project. Backfilling of native topsoil is necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. "Operations and activities should be planned and conducted in a manner that will not disturb extensive areas of soil or that will disrupt local drainage. Areas where soil is disturbed should be promptly reseeded or stabilized to prevent erosion." (Water Quality Control Plan for the Tulare Lake Basin, section 4.1.7). Backfilling of native topsoil also assures that the pre-project hydrologic regime is not altered or adversely impacted by introduction of new backfill materials. "The stream flow regimen should be stabilized and maintained, and soil control measures should be applied in a timely manner." (Water Quality Control Plan for the Tulare Lake Basin, section 4.1.7). "Limit disturbance of natural drainage features and vegetation." (Water Quality Control Plan for the North Coast, Appendix D, page 4-104, Urban and Suburban Runoff Management Measures).

11. Access routes

These conditions related to access routes are necessary to assure that the activities are minimally impacting and comply with water quality objectives. Activities related to access route construction or maintenance commonly require grading, construction, excavation, and vegetation removal, and may result in erosion and increased sediment loads, turbidity, etc., that adversely affect water quality. These conditions are required to assure that the discharges from such activities do not exceed water quality objectives established in Water Quality Control Plans, including water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. These conditions are also necessary to assure that activities related to access route construction or maintenance do not create physical barriers to

fish passage and spawning activities or degradation associated with hydromodification.

12. Access Route Surface Drainages

This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. By altering access routes or an aquatic resource's surface topography, and reducing hydrologic connectivity and capacity, the use of mechanized equipment can cause a direct loss of aquatic resource area and degrade beneficial uses of waters of the state, including designations that protect listed species habitat. These impacts would result in violations of water quality objectives that have been set in Water Quality Control Plans.

13. Watercourse Crossings

These conditions are required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. Accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality. If surface waters or ponded waters are not appropriately diverted from areas undergoing grading, construction, excavation, and/or vegetation removal, the waters will be susceptible to erosion and increased sediment loads, contamination and pollution from construction equipment, temperature fluctuations, etc. Dewatered areas must also be stabilized prior to a rainfall event to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. For example, the sediment water quality objective requires that, "the suspended sediment load and suspended sediment discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses" (Water Quality Control Plan for the North Coast Region, section 3.3.11). Additionally, improperly designed and/or installed roads and bridges may also create physical barriers to fish passage and impair the beneficial use of fish spawning (Water Quality Control Plan for the San Francisco Basin, section 7.8.4.1).

14. Work in Waters of the State

Conditions related to work in delineated waters are required pursuant to the California Code of Regulations, section 3861 (d) (2) which prohibits discharges that violate any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. Work in waters of the state 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 Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work. These conditions are required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained (Water Quality Control Plan for the North Coast Region, section 4.1.8; Water Code section 13267).

15. Post-fire Vegetation Management Conditions

This condition is required to assure that vegetation removal does not significantly affect water quality and its designated uses, and to assure that the activity complies with state water quality objectives or federal water quality standards. Vegetation management frequently results in increased erosion potential, temperature fluctuations, creating space for invasive species, etc. All Water Quality Control Plans require protection of beneficial uses. For example, in the Water Quality Control Plan for the San Francisco Bay Basin, section 2.1.3, vegetation is an essential component of sustaining cold freshwater habitat (beneficial use of COLD).

16. Toxic and Hazardous Materials

Toxic compounds impair the beneficial uses of cold fresh water habitat, estuarine habitat, marine habitat, preservation of rare and endangered species, fish migration, fish spawning, warm fresh water habitat, and wildlife habitat (Water Quality Control Plan for the San Francisco Bay Region, sections 2.1.3; 2.1.5; 2.1.9; 2.1.14; 2.1.10; 2.1.18; 2.1.19; & 2.1.20).

Conditions related to concrete/cement are required pursuant to the Water Quality Control Plans, which prohibit discharges to waters that adversely raise or lower pH levels. For example, the North Coast Water Quality Control Plan prohibits discharges from lowering pH levels below 6.5 or raising them above 8.5, or altering the pH to a level that causes a nuisance or impairs beneficial uses. Concrete/cement is an alkaline component that has the potential to raise the pH of water resources to levels that would negatively affect beneficial uses (Water Quality Control Plan for the North Coast Region, section 3.3.16).

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. Many waters in California are high in mercury either naturally or due to historic mining activities. This

mercury, when discharged to waters of the state can become bioavailable and impair beneficial uses including Subsistence Fishing (SUB) and Tribal Subsistence Fishing (TSUB). Effective sediment control is required under the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (Cal. Code of Reg., section 3010).

17. Invasive Species and Soil Borne Pathogens Requirements

Soil borne pathogens cause disease and death to native plants, agricultural crops, and ornamental plants. Non-native invasive plant species can alter ecosystem processes such as nutrient cycling, hydrological cycles, and frequencies of wildfires, erosion and sediment deposition. They interfere in ecosystem functions by outcompeting and displacing native plants and animals, by providing refuge for non-native animals, and by hybridizing with native species. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Water Quality Control Plans, such as RARE (rare, threatened, or endangered species), WILD (wildlife habitat), and BIOL (preservation of biological habitats of special significance).

Invasive species and soil borne pathogen control practices prevent their uncontrolled spread to waters of the state and are necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. The spread of soil borne pathogens devastates host species populations in riparian ecosystems, such as Phytophthora lateralis, the cause of Port Orford cedar root disease, and threatens the stability of native and commercial cedar populations worldwide. Invasive weeds degrade physical and chemical water quality characteristics, and overgrown vegetation reduces special species habitat and reduces aquatic resource capacity.

Furthermore, in State Water Board Resolution No. 2017-0012, the State Water Board resolved that the state shall update plans, permits, and policies to improve "ecosystem resilience to the impacts of climate change, including but not limited to, actions that protect headwaters, facilitate restoration, enhance carbon sequestration, build and enhance healthy soils, and reduce vulnerability to and impacts from fires."

18. Undergrounding and Drilling

Conditions related to directional drilling are necessary given the risks posed by an inadvertent return of drilling fluids to waters. Given the likely toxicity of the discharge and the proximity to the impacted water, significant adverse impacts to waters would be expected and remediation would be difficult. All Water Quality Control Plans prohibit the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. Horizontal directional drilling, and similar drilling operations, may result in the

unintentional discharge of drilling fluids to waters of the state. These conditions are necessary to ensure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained.

E. Restoration of Temporary Impacts to Waters of the State

Conditions in this section related to restoration and/or mitigation of temporary impacts are required by 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).

F. Compensatory Mitigation for Permanent Impacts to Waters of the State

Conditions related to mitigation requirements are required by the Dredged or Fill Procedures, section IV.A.2.b. In addition, section IV.B.1.a of the Procedures require 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 State Supplemental Guidelines, section 230.10, restrictions on discharge & Cal. Code of Regs., section 3856(h) (requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate)). Accordingly, compensatory mitigation may be required for projects that would result in permanent impacts. Conditions regarding compensatory mitigation are necessary to ensure compliance with state and federal anti-degradation policies. Compensatory mitigation conditions are consistent with Executive Order W-59-93 commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by Water Code, section 13263, which requires the imposition of requirements that implement water quality control plans, takes into consideration the beneficial uses to be protected, and the need to prevent nuisance.

The condition related to financial securities is necessary to ensure that the discharger has sufficient funds to fulfil the compensatory mitigation required. (Dredge or Fill Procedures, section IV.B.5.f).

G. Reporting and Notification Requirements

The reports confirm that the best management practices required under this order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also 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. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

Authorization under this General Order is granted based on the application information submitted, including the legally responsible party. Conditions regarding transfers are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this General Order. If not, the original discharger remains responsible for compliance with this Order. Confirmation is also necessary to confirm whether liability for long-term best management practices maintenance is accepted by another entity. If not, the original discharger remains responsible for compliance with this Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

6. Water Quality Monitoring

a. **General:**

This monitoring condition is authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of monitoring, including costs, are reasonable to the need and benefits of obtaining the monitoring. The anticipated costs as only visual monitoring is required.

b. **Potentially Noncompliant Discharges:**

The reports confirm that the best management practices required under this Certification are sufficient to protect beneficial uses and water quality objectives. The 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. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, is reasonable to the need and benefits of obtaining the reports.

c. **In-Water Work or Diversions**:

Water quality monitoring plans are required for any in-water work, including temporary dewatering or diversions. These conditions are

required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. A water quality monitoring plan is necessary to conform to water quality standards for oil and grease, dissolved oxygen, pH, turbidity, and temperature. The Regional Water Board's Basin Plan contains provisions related to all these constituents.

These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267.

d. **Post-Construction:**

The reports confirm that the best management practices required under this order are sufficient to protect beneficial uses and water quality objectives. The 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. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

7. Conditional Notifications and Reports:

Conditions 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.