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## Central Valley Regional Water Quality Control Board

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### WATER QUALITY ORDER NO. R5-2021-0016 WASTE DISCHARGE REQUIREMENTS

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<b>Effective Date:</b>	19 February 2021	<b>Reg. Meas. ID:</b>	433425
<b>Expiration Date:</b>	30 June 2030	<b>Place ID:</b>	832200
<b>Program Type:</b>	Fill/Excavation	<b>WDID No.:</b>	5A31CR00520
<b>Project Type:</b>	Residential Development	<b>USACE No.:</b>	2004-00888
<b>Project:</b>	Amoruso Ranch Project (Project)		Individual
<b>Applicant:</b>	Brookfield Sunset LLC		
<b>Applicant Contact:</b>	John Norman Brookfield Sunset LLC 2271 Lava Ridge Court, Suite 220 Roseville, CA 95661 Email: <a href="mailto:John.Norman@brookfieldpropertiesdevelopment.com">John.Norman@brookfieldpropertiesdevelopment.com</a>		
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**Water Board Contact Person:** If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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## **I. Permit Application**

This Order for Waste Discharge Requirements (Order) is issued at the request of Brookfield Sunset, LLC (Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee.

An application was received on 2 August 2019 for a Clean Water Act section 401 Water Quality Certification. The application was deemed complete on 11 September 2019. The Permittee submitted supplemental information on 28 October 2020.

Prior to final California Environmental Quality Act (CEQA) approval and submittal of a Notice of Determination by the Lead Agency, the United States Army Corps of Engineers determined the Central Valley Water Board had waived its Clean Water Act section 401 Water Quality Certification under 33 C.F.R. section 325.2(b)(ii). The applicant subsequently requested coverage for impacts to waters of the State under an individual Waste Discharge Requirements on 11 June 2020. The application and supplemental information submitted satisfy the requirement under Water Code section 13260, subdivision (a), to submit a report of waste discharge.

The expiration date of this Order coincides with the expiration date for the issued United States Army Corps of Engineers Individual Permit.

## **II. Public Notice**

The tentative Waste Discharge Requirements were publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5.

At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

## **III. Project Purpose**

The purpose of the project is to construct a large mixed-use mixed-density master-planned development including commercial, office, residential, public/quasi-public uses in Placer County.

## **IV. Project Description**

The approximately 674-acre Project consists of mass grading for future development, including:

- 51 acres of commercial and office facilities,
- 328 acres of residential housing,
- 17 acres of public/quasi-public uses (including a new school and 22 acres of parks),
- 156.8 acres of open space, and
- 49 acres of right-of-way dedicated to Placer Parkway.

Activities associated with the project include widening Sunset Boulevard West along the north side of the project site and construction of storm water facilities in the Al Johnson Wildlife Area located to the west of the project site.

Within the approximately 157 acres of open space, a 108.5-acre preserve will be established prior to initiation of construction activities as required by the United States Army Corps of Engineers. The preserve includes indirectly impacting 1.68 acres and protecting approximately 17.28 acres of waters of the United States. The Permittee shall place the avoided and preserved wetlands, and any vegetative buffers preserved as part of mitigation for impacts, will be sequestered into a preserve parcel prior to initiation of construction activities and considered as partial compensatory mitigation for permanent impacts as a result of Project activities.

Project development will result in permanently impacting 13.98 acre of aquatic resources (0.08 acre of stream bed habitat, 2.93 acres of vernal pool habitat, 10.74 acres of wetland habitat, and 0.23 acre of stock pond). Project activities will also temporarily impact 0.06 acre of stream bed habitat.

Approximately 22,539 cubic yards of clean fill and 250 cubic yards of concrete will be placed into 13.98 acres of stock pond, streambed, vernal pool, and wetland habitat.

## **V. Project Location**

County: Placer

Section 10-11, 14, Township 11 North, Range 05 East, MDB&M.

Latitude: 38.823170° and Longitude -121.373545°

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, May 2018 (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/) ([http://www.waterboards.ca.gov/plans\\_policies/](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.

Pursuant to Water Code section 106.3, subdivision (a), 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**

Dewatering will occur within the Project area. Wet concrete will be placed in the project area when the work area is naturally dry.

The Project will temporarily impact 0.06 acre of streambed habitat. The Project will permanently impact 13.98 acre of stock pond, streambed, vernal pool and wetland habitat.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.06		

**Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.08	22,539	
Vernal Pool	2.93		
Wetland	10.74		
Stock Pond	0.23		

**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. Indirect impacts to aquatic resources may reduce the functions of remaining wetlands. Additionally, increased impervious surfaces may reduce water quality of receiving waters. Indirect impacts are included in established mitigation ratios and potential adverse effects may be offset by beneficial indirect effects of required mitigation.

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<sup>1</sup> 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.

**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 will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

**X. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation described in section XIV for permanent direct and indirect impacts.

**XI. Regulatory Considerations**

On 7 July 2016, the City of Roseville, as lead agency, certified an environmental impact report/environmental impact statement (EIR/EIS) (State Clearinghouse (SCH) No. 2013102057) for the Project and filed a Notice of Determination (NOD) at the SCH on 14 July 2016. 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.

This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides, in pertinent part, the following:

*The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.*

Compliance with section 13263, subdivision (a), including implementation of applicable water quality plans, is discussed below. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste (Water Code, Section 13263, subdivision (g).)

This Order and its associated monitoring and technical reporting provisions are also adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides, in pertinent part, the following:

*[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who*

*proposes to discharge waste ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

The reports required under this Order are necessary to verify and ensure compliance with permitting requirements and protect waters of the state. The burden associated with such reports is reasonable relative to the need for their submission.

Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective 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 ("No Net Loss Policy"). The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.

State Water Board Resolution No. 68-16, "Statement Of Policy With Respect To Maintaining High Quality Of Waters In California" ("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.

Filling wetlands and other waters causes partial or complete loss of the beneficial uses provided by those waters. To reconcile such losses with the State's No Net Loss and Antidegradation Policies, this Order requires adherence to the requirements in the mitigation monitoring and reporting program, including compensatory mitigation for impacts that cannot be feasibly avoided or minimized; implementation of the approved compensatory mitigation plan; and other requirements to minimize the potential effects of construction on water quality and resources. As detailed in the Project's EIR and subsequent addendum the Project design includes a 157-acre open space preserve, representing 17.28-acres of aquatic features. Regarding compensatory mitigation, this Order requires aquatic resource impacts be mitigated at a 1.5:1 ratio of restored/created to affected resources by purchasing credits through the Western Placer County In-Lieu Fee Program or a similar program. The Western Placer County In-Lieu Fee Program provides for establishment, restoration, and preservation of sites within the Placer County Conservation Program's interconnected preserve system. The Program will enhance the efficiency of mitigation efforts undertaken in Placer County and enable

the acquisition of larger and more strategic reserve properties, subject to robust performance standards and preserved in perpetuity, than would be possible if mitigation were done on a property-by-property basis. These measures ensure impacts are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation. Compliance with this Order's requirements for meeting water quality objectives, implementing best management practices, and 1.5:1 compensatory mitigation constitute BPTC for the discharge. To the extent there is degradation from Project discharges despite avoidance, minimization, and compensatory mitigation measures, such degradation is necessary to accommodate important economic and social development in the area, such as increased employment as documented in the lead agency environmental review documents and supporting materials, and is consistent with the maximum benefit to the people of the state. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.

## **XII. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

[State Water Resources Control Board Law and Regulations for Filing Petitions](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) Web Page: ([https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/))

## **XIII. Fees Received**

An application fee of \$1,638.00 was received on 12 December 2019. The fee amount was determined as required by California Code of Regulations, title 23, section 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84)

An additional fee of \$140,462.00 based on total Project impacts was received on 19 December 2019.

## **XIV. Requirements**

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order and pursuant to Water Code sections 13263 and 13267, the Permittee shall comply with the following requirements:



## A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Tables 1 through 2. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes (i.e., other than those described herein), 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.

## B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals required pursuant to Water Code section 13267, subdivision (b)(1). 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](mailto: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. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning one month after the submittal of the Notification of Project Commencement. Monthly reporting shall continue until the Central Valley Water Board Executive Officer issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of March. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.

### 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and include the corresponding Waste Discharge Identification Number (WDID#) issued under this Order. Additionally, if applicable, the Report shall also include the Enrollee number issued for coverage under the NPDES General Permit for Storm

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

- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. 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<sup>2</sup>

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:

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<sup>2</sup> "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.)

- 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)  
([http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](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:** 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. Notification may be made in accordance with conditions in the Project Deviation section of this Order.

**e. Transfer of Property Ownership:**

This Order is not transferable in its entirety or in part to any person or organization except after notice to the 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. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

**f. Transfer of Long-Term BMP Maintenance:**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the 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 or during the entire duration 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 pH to be depressed below 6.5 nor raised above 8.5 in surface water.
- c. 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.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling

parameters.<sup>3</sup> The 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. Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters. 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.

The sampling frequency 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 two weeks 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.

**Table 3: Sample Type and Frequency Requirements**

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants <sup>4</sup>	Observations	Visual Inspections	Continuous throughout the construction period

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<sup>3</sup> 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.

<sup>4</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

**4. Post-Construction:**

Visually inspect the Project site during the rainy season 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.

**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 6 commencing with sections 2050-2068, inclusive. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)
2. 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.

**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. The Permittee may then be subject to administrative and/or civil liability pursuant to Water Code sections 13268 and/or 13350. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.
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 Plan. 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 Permittee to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems 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.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (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.

## **G. Construction**

### **1. Dewatering**

- a. Dewatering will occur within the Project area.
- b. If water is present, the Permittee shall notify Central Valley Water Board staff and the area must be dewatered prior to start of work.
- c. If water is present, 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.
- d. 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.
- e. 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.

- 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 Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.
- h. If dewatering activities result in groundwater discharges into surface water, the Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit.

## **2. Directional Drilling**

If installation or relocation of dry and/or wet utility lines is anticipated, the Permittee shall develop and implement a Dry and Wet Utility Work Plan prior to commencement of dry and wet utility construction. The Dry and Wet Utility Plan must cover all phases of the certified project that will impact waters of the state and shall be consistent with this Certification.

The Dry and Wet Utility Plan shall include the types of dry and wet utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of dry and wet utility work, as related to any water of the state in the Project area.

Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist or Engineer.

The Utility Work Plan and Direction Drilling Plan must be submitted to the Central Valley Water Board staff upon request.

## **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. 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**

- a.** The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
  - i. Minimize the amount of impervious surface;
  - ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;
  - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b.** The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
  - i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

- ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
- iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
- iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

## **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**

Vernal pool fairy shrimp, Valley elderberry longhorn beetle, Swainson's hawk, Greater sandhill crane, and Townsend's big-eared bat.

**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 -- Not Applicable****K. Compensatory Mitigation for Permanent Impacts:**

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

**1. Compensatory Mitigation Plan:**

- a. The Permittee has submitted a 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. 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 the Procedures. The level of detail in the final plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the Project considering the overall size and scope of impact.

**2. Irrevocable Letter of Credit – Not Applicable****3. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable****4. 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 prior to the initiation of in water work.
- 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.

**5. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 13.98 acres of impacts by purchasing the appropriate Aquatic Resource Credits. Aquatic Resource Credits shall be purchased from the Western Placer In-Lieu Fee Program or an approved compensatory mitigation bank. Mitigation ratios shall meet or exceed 1.5:1 for direct impacts.
- b. The Permittee shall place the avoided and preserved wetlands, and any vegetative buffers preserved as part of mitigation for impacts into a separate preserve parcel prior to initiation of construction activities in waters of the State authorized by this permit as outlined below.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown]

**Table 4: Total Required Project Compensatory Mitigation Minimum Quantity for Permanent Physical Loss of Area**

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riverine	In-Lieu Fee Credits	Acres						0.08
Seasonal Wetlands	In-Lieu Fee Credits	Acres						10.74
Lacustrine	In-Lieu Fee Credits	Acres						0.23
Vernal Pool	In-Lieu Fee Credits	Acres						2.93

**L. Project 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 Project Deviations as set forth in Attachment F. For purposes of this Order, a “Project Deviation” is a Project locational or impact modification that does not require an 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.
2. A Project modification shall not be granted a Project Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project’s environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

**XV. Conclusion**

The Central Valley Water Board hereby issues the Order for the Amoruso Ranch Project, WDID No. 5A31CR00520. 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 and the Central Valley Water Board's Water Quality Control Plans and Policies.

### **CERTIFICATION**

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 19 February 2021

*Original Signed By Patrick Pulupa:*

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PATRICK PULUPA,  
Executive Officer

- 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:** Project Deviation Procedures

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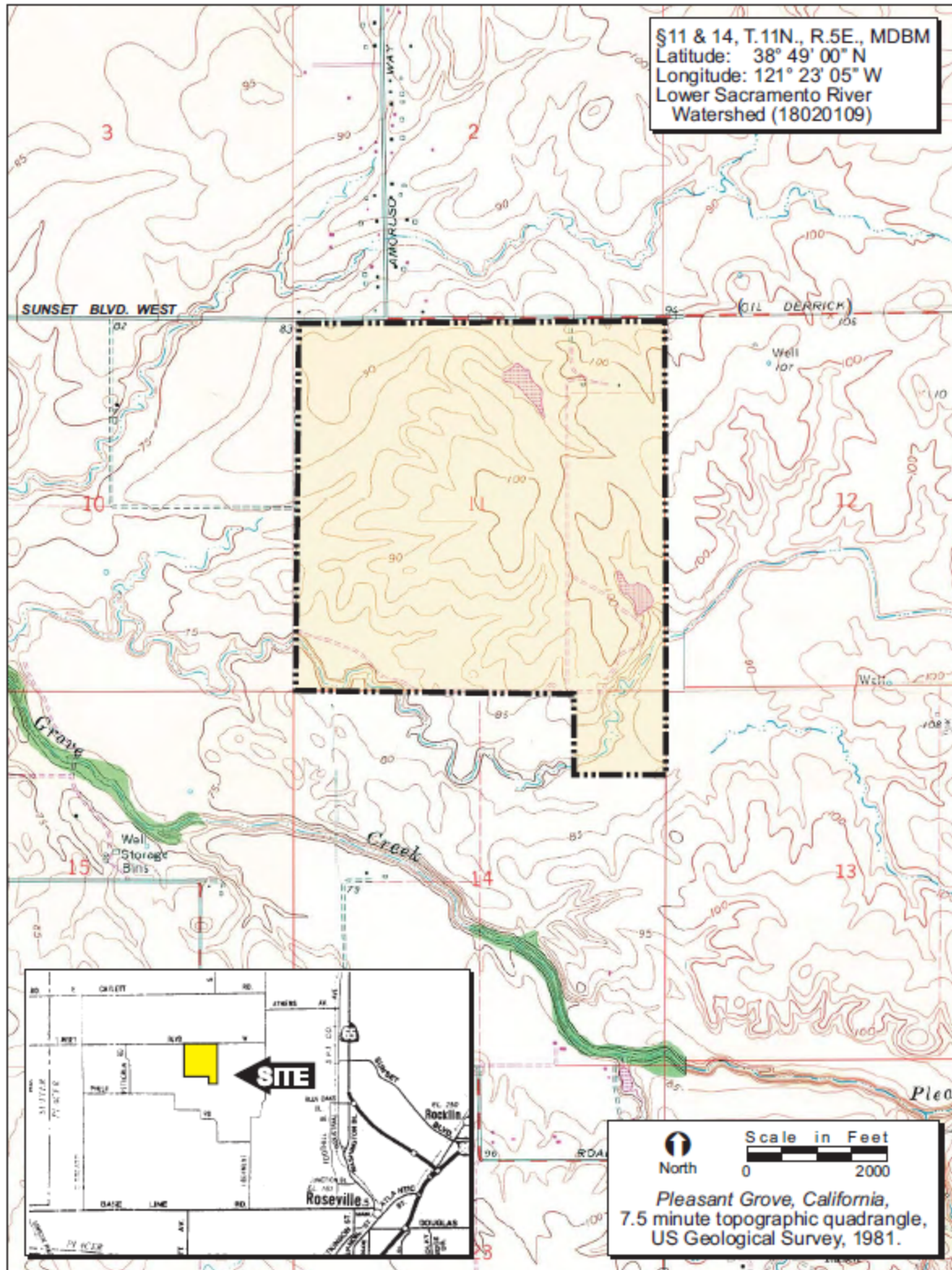


Figure 1 – Project Location Map

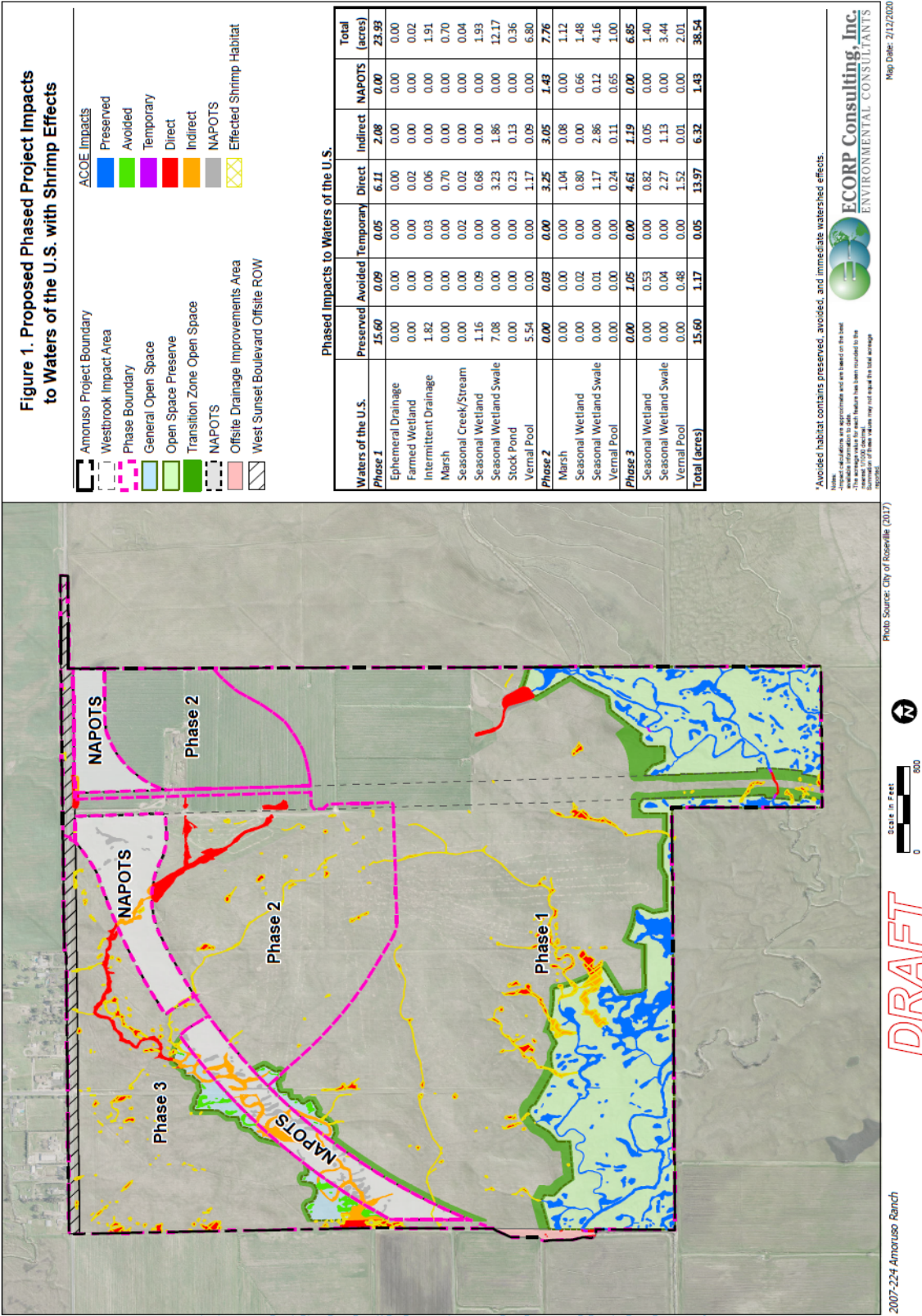


Figure 2 – Project Site Map

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**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 ID
No	Site 01	Unnamed Tributary	Stream Channel	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A
No	Site 02	Unnamed Tributary	Vernal Pool	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A
No	Site 03	Unnamed Tributary	Wetland	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A
No	Site 04	Unnamed Tributary	Stock Pond	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A

**Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 2: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Site 01	38.823170°	-121.373545°	Yes	0.08	22,539	
Site 02	38.823170°	-121.373545°	Yes	2.93		
Site 03	38.823170°	-121.373545°	Yes	10.74		
Site 04	38.823170°	-121.373545°	No	0.23		

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and locations.

**Compensatory Mitigation Information**

Mitigation Bank / In-Lieu Fee Program Name: Western Placer County In-Lieu Fee Program <a href="https://www.placerconservation.com/">Placer County Conservation Website:</a> (https://www.placerconservation.com/)
Mitigation Bank / In-Lieu Fee Program Contact Name: Gregg McKenzie Phone: (530) 745-3074 Email: <a href="mailto:gamckenz@placer.ca.gov">gamckenz@placer.ca.gov</a>
Mitigation Bank / In-Lieu Fee Program Location - County: Placer

**Table 4: Mitigation Type Information**

<b>Aquatic Resource Credit Type</b>	<b>Acres</b>
Riverine Credits	0.08
Seasonal Wetland Credits	10.74
Lacustrine Credits	0.23
Vernal Pool Credits	2.93



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## **A. Environmental Review**

On 7 July 2016, the City of Roseville, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2013102057) for the Project and filed a Notice of Determination (NOD) at the SCH on 14 July 2016. Following certification of the FEIR, the City of Roseville, among other minor modifications, made changes to the Project to include additional avoidance of wetland features. The City of Roseville concluded that the Project would not result in new or more severe significant effects which were not identified in the FEIR and no subsequent or supplemental environmental document was required. (California Code of Regulations, title 14, sections 15162, 15163.) To assist in its determination, the City of Roseville prepared an Addendum to the FEIR prior to approving the changes and filed a NOD on 19 March 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 the City of Roseville's certified 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 the City of Roseville addresses the Project's water quality impacts and that no additional environmental review is required. (California Code of Regulations, Title 14, sections 15096, subd. (f), 15162, 15163.) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Roseville 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 15091, subd. (d).)

## **B. Incorporation by Reference**

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation, including the City of Roseville's Addendum for the Project.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR and Addendum are available at: 311 Vernon Street, Roseville, CA 95678.

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, is incorporated herein by reference.

### C. Findings

The FEIR describes the potential significant environmental effects to water quality. The Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, Title 14, section 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

a.i. Potential Significant Impact:

**Impact 4.8-1: Loss of Federally Protected Wetlands and Other Waters of the United States**

a.ii. Facts in Support of Finding:

**MM 4.8-1(a): Ensure No Net Loss of Wetlands**

The City shall not issue a grading permit for the ARSP unless a Clean Water Act (CWA) Section 404 permit is first obtained from the U.S. Army Corps of Engineers (USACE), or an equivalent approval for waters of the State is obtained from the Regional Water Quality Control Board (RWQCB). The CWA Section 404 permit process (including Section 7 Consultation under Federal Endangered Species Act [FESA]) is the standard method for developing mitigation for projects that affect wetlands and vernal pool species such as special-status plants, vernal pool crustaceans, and Western spadefoot. Through this process, project Applicants shall be required to obtain the necessary permits and approvals to implement their Proposed Project while remaining in compliance with CWA and FESA. If a 404 permit is not obtained, the City shall not issue a grading permit for the Proposed Project. The obligation to obtain the 404 permit shall ensure no net loss to federally protected wetlands. After obtaining such a permit, however, the Applicant shall demonstrate to the City's Planning Director that they have also achieved no net loss of wetlands. Mitigation shall consist of a combination of the preservation of on-site vernal pool and other wetland habitat and the acquisition of off-site property with existing vernal pool and other wetland habitat for preservation. Mitigation shall include off-site creation and/or restoration of vernal pool and other wetland habitat, and/or participation in a mitigation credit program from a wetlands mitigation bank approved by the USACE and U.S. Fish and Wildlife Service (USFWS). These banks charge fees in exchange for credits that are based upon the mitigation obligation of the Applicant. If the Applicant chooses to buy mitigation credits, the Applicant shall pay fees that shall be used to restore, create, enhance, and/or preserve wetlands at an established mitigation bank. The credits shall be in direct proportion to the wetland impacts resulting from the Proposed Project. The project Applicants have identified appropriate off-site mitigation in the form of

preservation. This off-site mitigation, coupled with on-site preservation and avoidance, shall be a component of the required compensation for the Proposed Project. All wetland restoration and creation shall be conducted in a manner consistent with applicable USACE and USFWS mitigation guidelines and policies.

**MM 4.8-1(b): Wetland Avoidance/Mitigation Plan**

For any wetlands to be restored or created outside of an approved mitigation bank, the Applicant shall submit a Wetland Mitigation Plan that describes the specific method(s) to be implemented to mitigate for all on-site or off-site project-related impacts. This detailed Wetland Mitigation Plan shall be prepared in accordance with applicable USACE and USFWS policies and regulations, and the City's Grading and Erosion Control Ordinance. A copy of the 404 permit, the biological opinion, and the Wetland Mitigation Plan shall be provided to the City at the time of specific entitlements (grading permit, tentative map, etc.), and the Wetland Mitigation Plan shall ensure the following to the satisfaction of the City:

- a) Describe the location of the proposed wetland mitigation site(s), including a detailed map showing the acreage, distribution, and type of wetlands to be restored/created to ensure no net loss in wetland habitat acreage, values and functions. The compensation wetlands shall be designed, at a minimum, to meet or exceed the functions of the existing wetlands to be impacted.
- b) Include a monitoring plan to assess whether the compensation wetlands are functioning as intended. Specific performance standards for hydrologic, floral, and faunal parameters shall be proposed to determine success of the created wetlands. The monitoring plan shall specify the corrective measures/ modifications to be implemented in the event that monitoring indicates that the performance standards are not being met.
- c) Include a long-term maintenance plan for the wetland preservation/mitigation areas describing the measures implemented to assure that they are maintained as wetland habitat in perpetuity.
- d) Require that fencing be installed around all existing wetlands that are within 50 feet of any haul route, spoil zone, stockpile zone, creation zone, or other construction area. The fencing shall be of high visibility material. Fencing shall be placed no closer than 10 feet to the delineated, verified perimeter of wetlands. This fencing shall be maintained until all adjacent construction activities are completed.
- e) A qualified biological resources monitor, approved by the City, shall be on the site(s) at all times when working in the open space corridor or other sensitive areas to ensure compliance with identified mitigation for the duration of all the proposed activities. The biological resources monitor shall submit bi-annual compliance reports to City monitor for review for a

period of five years after completion of construction or until all performance standards have been satisfied.

f) The wetland mitigation site(s) shall be surveyed by a qualified biologist, no more than 30 days prior to the start of construction, for the presence of raptor and federal and state listed bird nesting sites, unless it is determined that construction will occur outside of the breeding season for all species likely to occur on site or observed present. If active nesting sites are observed, all state and federal guidelines pertaining to active nesting sites shall be strictly adhered to in consultation with a qualified biologist.

g) Applicant shall grant full access to the wetland mitigation site(s) to the City for the monitoring of construction activities and mitigation compliance. Access shall be granted during all construction activities and the City monitor may issue stop work orders if mitigation non-compliance is identified.

h) Applicant shall specify measures for reuse or disposal of excavated material that is suitable for use in the project site. The plan should minimize the elapsed time between excavation and reuse and provide adequate stockpile coverage and protection from wind and water erosion during the entire storage period. If excavated material is unsuitable for reuse at the project site, the plan shall include specific information regarding the eventual reuse or disposal site, transportation method(s), disposal reuse management, and schedule.

i) The Wetland Avoidance Mitigation Plan shall include a spill prevention and response plan to the satisfaction of the City.

j) All disturbed areas shall be re-vegetated by the following methods: hydro seeding, drill seeding, or spreading of upland seed-bearing soil. The method of re-vegetation shall be approved by a qualified wetland specialist and the City.

k) The Applicant shall apply non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas. Non-toxic binders shall be applied to exposed areas after cut and fill operations and hydro seeded areas. The wetland mitigation site shall be watered as directed by the City of Roseville Public Works Department. The frequency shall be based on the type of operation, and soil and wind exposure.

l) To reduce air emissions, idling time for all construction vehicles shall be limited to a maximum of 10 minutes. The City may curtail construction during high ambient pollutant concentrations, including but not limited to, ceasing construction during peak-hour vehicular traffic on adjacent or nearby roadways. All land clearing, grading, earth-moving or excavation activities shall be suspended when winds exceed 15 mph.

m) The Applicants shall ensure that all inactive storage/stock piles are adequately covered, and that all trucks hauling dirt, sand, soil, or other loose materials also are adequately covered or maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and top of the trailer) in accordance with the requirements of the California Vehicle Code (CVC) section 23114.

### **Waste Discharge Requirements, Section XIV.K: Compensatory Mitigation**

a. The Permittee has submitted a 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. 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 the Procedures. The level of detail in the final plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the Project considering the overall size and scope of impact.

### **Significance after Mitigation**

A total of 38.519 acres of wetlands or “other waters” of the U.S. have been identified in the project site and off-site improvements area. These wetlands consist of several types of wetlands. All wetlands identified in the project site were determined to be jurisdictional. No non-jurisdictional wetlands are present. As initially detailed in the FEIR, implementation of the Project was anticipated to result in the total loss of approximately 18.640 acres of wetlands and “other waters” of the U.S. Approximately 15.294 acres would be avoided and/or preserved as part of the ARSP. The majority of impacts from the Proposed Project will be to seasonal wetland swales, seasonal wetlands, and vernal pools. As detailed in the Lead Agency’s subsequent Addendum and project materials, the Project, as modified following consultation with the U.S. Army Corps, would increase the Project’s open space by 10 acres for additional avoidance of federally protected waters and decrease impacts as indicated in Project materials and this Order. Further, in addition to the above mitigation, this Order requires compensatory mitigation for permanent impacts. This impact is **less than significant with mitigation**.

#### b.i. Potential Significant Impact:

### **Impact 4.8-2: Loss of Federally Listed Vernal Pool Crustaceans and Their Habitat**

b.ii. Facts in Support of Finding:

**MM 4.8-1(a): Ensure No Net Loss of Wetlands (see above)**

**MM 4.8-1(b): Wetland Avoidance/Mitigation Plan (see above)**

**MM 4.8-2: Vernal Pool Fairy Shrimp Measures**

The project Applicant shall mitigate the 14.461 acres of vernal pool fairy shrimp habitat that will be directly impacted at a 2:1 ratio for preservation (28.922 acres preserved) and 1:1 ratio for creation (14.461 acres created). The 9.972 acres of vernal pool fairy shrimp that may be indirectly impacted will be mitigated at a 1:1 ratio for preservation (9.972 acres). This equates to a total of 38.894 acres of preservation and 18.640 acres of creation. The locations of the preserved and created vernal pool fairy shrimp (*Branchinecta lynchi*) habitat shall be disclosed in the Wetland Avoidance/Mitigation Plan required in Mitigation Measure 4.8-1 (b)

**Significance After Mitigation**

As detailed in the FEIR, suitable habitat for vernal pool crustaceans, such as vernal pool fairy shrimp and vernal pool tadpole shrimp, is present in the Project site. Loss of wetland habitat would occur as a result of grading and other ground disturbing activities related to the development of the Project. The FEIR initially stated approximately 14.461 acres of vernal pools and wetlands that provide habitat for vernal pool crustaceans would be directly impacted by the Proposed Project. The FEIR stated indirect impacts to on-site habitat could impact 8.151 acres, and off-site indirect impacts could impact 1.820 impacts of vernal pool fairy shrimp habitat. The impact footprint has been reduced by Project modification following continued consultation with the U.S. Army Corps as noted in the Lead Agency's Addendum and Project materials. The additional 10 acres of open space that was designated following consultation with the U.S. Army Corps of Engineers provides additional protection for habitat and species, specifically wetlands and fairy shrimp. This impact is **less than significant with mitigation**.

c.i. Potential Significant Impact:

**Impact 4.8-3: Loss of Rare Plant Populations**

c.ii. Facts in Support of Finding:

**MM 4.8-1(a): Ensure No Net Loss of Wetlands (see above)**

**MM 4.8-3: Special Status Plant Measures**

The following mitigation measures shall be implemented to reduce impacts to special status plant species:

- a) A qualified botanist or biologist shall collect source pool inoculum from the two vernal pools containing Dwarf downingia and shall transfer the soil inoculum to the created and/or restored wetlands within the proposed off-site Mitigation Properties. A botanist or qualified biologist shall determine

which created pools will provide the best suitable habitat. Created and/or restored wetlands will require monitoring according to Section 404 permit guidelines and therefore transferred inoculum would be covered under such efforts.

b) Perform focused special-status plant surveys according to California Department of Fish and Wildlife (CDFW), California Native Plant Society (CNPS), and USFWS protocols (CDFW, 2000; CNPS, 2001; Cypher, 2002; USFWS, 1996b) for the three off-site Mitigation Properties. Surveys shall be timed according to the blooming period for target species and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur.

c) The USFWS generally considers survey results valid for approximately three years. Therefore, follow-up surveys may be necessary within the project site to avoid take of any special status plant species. This shall be determined during consultation with USFWS. The presence or absence of special-status plant species shall be determined through rare plant surveys conducted according to CDFW, CNPS and USFWS protocols (CDFW, 2000; CNPS, 2001; Cypher, 2002; USFWS, 1996b). Surveys shall be timed according to the blooming period for target species and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur.

d) If no special-status plants are found, no further measures pertaining to special-status plants are necessary

e) If special-status plant species are found within the project site, avoidance zones shall be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species and the specific avoidance zone distance will be determined in coordination with appropriate resource agencies (CDFW and USFWS).

f) If special-status plant species are found within the project site and avoidance of the species is not possible, then additional measures such as seed collection and/or transplantation shall be developed in consultation with the appropriate agencies (CDFW and USFWS).

### **Significance After Mitigation**

The Project site contains 9.814 acres of vernal pool habitat. Vernal pools represent potential habitat for Dwarf dowingia, legenere, Pincushion navarretia, Sacramento Orcutt grass, and other special status plants. Dwarf downingia was observed within two vernal pools within the project site and on the off-site Al Johnson Wildlife Area improvements area. Impacts to special status plant species could result from grading and other ground disturbing activities related to development of the Proposed Project. Implementation of the ARSP is anticipated to result in the direct



loss of vernal pool wetlands. Additionally, some of the remaining vernal pools may be indirectly impacted due to erosion of adjacent uplands, changes in hydrological conditions from grading, or other topographic changes such that precipitation runoff supplies are interrupted and prevent the pools from filling properly. The impact footprint has been reduced by Project modification following continued consultation with the U.S. Army Corps as noted in the Lead Agency's Addendum and Project materials. This impact is **less than significant with mitigation**.

d.i. Potential Significant Impact:

**Impact 4.8-4: Loss or Degradation of Habitat for Western Spadefoot**

d.ii. Facts in Support of Finding:

**MM 4.8-1(a): Ensure No Net Loss of Wetlands (see above)**

**MM 4.8-4: Relocate Western Spadefoot**

The following mitigation measures shall be implemented to reduce impacts to Western spadefoot (*Spea hammondi*):

- a) A qualified biologist shall perform preconstruction surveys for Western spadefoot within the construction area in the appropriate season (generally February) to detect adults, larvae, and/or egg masses, within 14 days prior to the start of construction.
- b) If no Western spadefoots are found, no further measures pertaining to this species are necessary.
- c) Pools that are found to support Western spadefoot shall be avoided if feasible. If avoidance is not feasible, then the CDFW shall be consulted for its recommendation with respect to relocation of adults, larvae, tadpoles, or egg masses. Although there is no set protocol for the relocation of Western spadefoot, the capture and relocation of reptile and amphibian species from habitat that will be impacted to similar areas of protected suitable habitat is a standard part of both USFWS and CDFW procedures and recommendations for mitigating impacts. When done in combination with habitat restoration and preservation, the procedure is known to be successful in reducing potential impacts to special-status amphibian and reptile populations.

**Significance After Mitigation**

Within the Project site, potential habitat for the western spadefoot includes vernal pools, seasonal wetlands, and adjacent grassland habitat. Impacts on this species would occur as a result of the loss of vernal pools, seasonal wetlands, and grassland habitat due to grading or other ground disturbance related to development of the Project. This species is a State species of concern. Targeted surveys conducted within the project site in 2011 and guideline level wet-season surveys for listed large branchiopods conducted during the 2007 to 2008 and 2008 to 2009 wet seasons were negative for

western spadefoot. Nevertheless, the Project site contains potential habitat for this species and pre-construction surveys should be performed prior to the start of construction. This species was not observed during wet season branchiopod surveys conducted from 2013 to 2014 on the off-site Al Johnson Wildlife Area improvement area. However, spadefoots have been detected in the past in the vicinity of the project site. Development on vernal pools, seasonal wetlands, and the adjacent habitat could result in the destruction of individual western spadefoot and/or its habitat. This impact is **less than significant with mitigation**.

e.i. Potential Significant Impact:

**Impact 4.8-5: Loss or Degradation of Habitat for Western Pond Turtle**

e.ii. Facts in Support of Finding:

**MM 4.8-5: Relocate Northwestern Pond Turtle**

The following mitigation measures shall be implemented to reduce impacts to northwestern pond turtle (*Actinemys armorata*):

- a) A qualified biologist shall perform preconstruction surveys for northwestern pond turtle within the construction area for each phase of the Proposed Project within 24 hours prior to the start of construction.
- b) If no northwestern pond turtles are found, no further measures pertaining to this species are necessary.
- c) If northwestern pond turtles are found within an area proposed for impact, a qualified biologist shall relocate the northwestern pond turtle to a suitable location away from the proposed construction, in consultation with CDFW.

**Significance After Mitigation**

No northwestern pond turtles were found during surveys, and University Creek and the wetlands are considered marginal habitat for this species. The Proposed Project will not have a substantial adverse effect on western pond turtles through habitat modification because University Creek will remain as open space as part of the ARSP. After development, no long-term impacts to northwestern pond turtle will occur. However, construction may impact any turtles if they are located within an area designated for development. The impact footprint has been reduced by Project modification following continued consultation with the U.S. Army Corps as noted in the Lead Agency's Addendum and Project materials. This impact is **less than significant with mitigation**.

f.i. Potential Significant Impact:

**Impact 4.13-1: Erosion and Runoff from Construction Sites Containing Soil or Other Materials Could Degrade Water Quality if Discharged to Local Streams**

f.ii. Facts in Support of Finding:

**MM 4.13-1: Implementation of Construction Activity Stormwater Standards**

Prior to the issuance of a City of Roseville (City) grading permit and the commencement of construction activities, the Permittee shall demonstrate to the City compliance with the State Water Resources Control Board (State Water Board) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit), the City's Construction Standards, and the City's Storm Water Best Management Practice (BMP) Guidance Manual. The State Water Board requires that all construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act (CWA). To comply with the NPDES permit, the Permittee shall file a Notice of Intent with the State Water Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction, which includes a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-storm water discharges and hazardous spills) to include a description of the type and location of erosion and sediment control BMPs to be implemented at the project site, and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to and throughout the rainy season. Water quality BMPs identified in the SWPPP could include but are not limited to the following:

- Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas. No disturbed surfaces will be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- A spill prevention and countermeasure plan shall be developed which would identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite. The plan would also require the proper storage, handling, use, and disposal of petroleum products.
- Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and to the immediate area required for construction. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation will be retained where possible. To the extent feasible,

grading activities shall be limited to the immediate area required for construction.

- Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion.
- Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Store, cover, and isolate construction materials, including topsoil and chemicals, to prevent runoff losses and contamination of groundwater.
- Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events.
- Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff.
- Disturbed areas shall be revegetated after completion of construction activities.
- All necessary permits and approvals shall be obtained.
- Provide sanitary facilities for construction workers.

### **Significance After Mitigation**

Development activities associated with the ARSP would involve construction of structures, roadways, parking lots, and infrastructure (including off-site infrastructure), which would require grading, excavation, and other construction-related activities that could cause soil erosion at accelerated rates. Sediment from construction activities could accelerate erosion that could have adverse effects on receiving water quality on the project site and within downstream watersheds, including University Creek, Pleasant Grove Creek, and the Sacramento River. Such effects could include increased turbidity, which could result in adverse impacts on fish and wildlife and their habitats, reduced pump life at Sacramento River water intakes due to abrasion, increased municipal water treatment costs for turbidity removal, and impaired recreation and aesthetic values. Another potential source of water quality degradation during construction activities is heavy machinery and other construction equipment. Construction equipment spills could result in the release of polluting constituents, such as heavy metals, oil, grease, and other petroleum

hydrocarbons to University Creek and Pleasant Grove Creek. As a result of mitigation—in particular, compliance with the State Water Resource Control Board’s General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities—the Project would not result in the violation of any water quality standards, would not create substantial sources of polluted runoff, and would not otherwise substantially degrade water quality. This impact is **less than significant with mitigation**.

f.i. Potential Significant Impact:

**Impact 4.13-2: Changes in Surface Water Quality Resulting from Urban Stormwater Runoff and Other Operational Activities**

f.ii. Facts in Support of Finding:

**MM 4.13-2: Storm Water Management Development Standards**

At the tentative map or site development stage, development shall be conditioned to include source control and Low Impact Development (LID) strategies, treatment control measures, including but not limited to bio-retention treatment as required by the City’s then current design standards and the City’s then current General Phase II Municipal Separate Storm Sewer System (MS4) Permit issued by the State Water Board. The measures shall include, but are not limited to, the measures identified in the Amoruso Drainage Master Plan. In addition, necessary erosion and sediment control measures for University Creek at Discharge Point E and monitoring of University Creek downstream of the discharge point shall be incorporated into the project design plans and submitted to the City for review and approval prior to receiving building/grading permits.

**Significance after Mitigation**

Development associated with the Project would result in the conversion of undeveloped land to urban uses including residences, schools, businesses, recreation, roadways, and parking areas. As discussed above, the increase in impervious surfaces resulting from the construction of buildings and paved areas would increase the rate and amount of stormwater runoff that would carry urban pollutants into University Creek thence Pleasant Grove Creek. It is anticipated that runoff from the project site would be typical of urban runoff water quality. Pollutants typically associated with urban uses include oil and grease, coliform bacteria, petroleum hydrocarbons, nitrogen, phosphorus, heavy metals, pesticides, herbicides, and other constituents. Although some of the sediment load of developed areas would be reduced by implementing grassy swales, bio filters, and other measures, sources of pollution to stormwater runoff may still be present due to entrained dust on roadways and parking lots and blow over from open space areas and/or other off-site farming and construction activities. There is the potential that urban runoff from the Project could contain levels of pollutants that could adversely affect

water quality in the local streams or increase sediment loads. As a result of mitigation—in particular, compliance with the Phase II General Permit—the later development stages of the Project would not result in the violation of any water quality standards, would not create substantial sources of polluted runoff, and would not otherwise substantially degrade water quality. This impact would be **less than significant after mitigation**.

g.i. Potential Significant Impact:

**Impact 4.13-4: Altered Drainage Patterns and Increase in the Rate of Stormwater Runoff Through the Development of New Impervious Surfaces that Would Result in Flooding or Siltation On- or Off-Site**

g.ii. Facts in Support of Finding:

**MM 4.13-5: Erosion Monitoring Plan**

At the onset of any grading activities within the Amoruso Ranch Specific Plan (ARSP) that increase the existing drainage area tributary to the University Creek channel within Al Johnson Wildlife Area, a geomorphologic assessment of University Creek through the Al Johnson Wildlife Area property shall be conducted.

The geomorphologic assessment shall include erosion protection measures, such as stream bank stabilization and velocity reduction measures, and the location for their implementation. The construction of the erosion protection measures shall be triggered by criteria established within the geomorphologic assessment.

**Significance After Mitigation**

The Project site is currently undeveloped. There are existing flooding issues within the Project site and surrounding properties along the western property boundary. The existing westerly agricultural ditch and berm cannot contain flows in excess of 10 cfs, which is less than the 2-year event flow rate for the area. Therefore, ponding is common on the Gleason property, Toad Hill Ranches, and on the Project site following storm events. However, this area is not within the 100-year floodplain. Recognizing the existing resident's concern, the project applicant is proposing to divert approximately 300 acres that normally would flow from the site in both the northeast and northwest corners of the site, including the area that would normally flow onto the Toad Hill Ranches development, to the ARSP drainage system, which would convey that drainage to the south. This action would provide a public benefit by reducing flow to areas experiencing drainage issues.

Development of proposed residential, commercial, schools, parks, and associated uses within the Project site would increase the amount of impervious surfaces by 481 acres compared to present conditions. This increase in impervious surfaces would increase the rate of surface runoff conveyed through the site and into University Creek thence Pleasant Grove

Creek. In addition, development and grading would alter the existing runoff patterns and conveyance capacities on the properties.

Consistent with City of Roseville Design Standards, the ARSP Drainage Master Plan provides a preliminary analysis of the on-site storm drain conveyance system that would be constructed to ensure the safe conveyance of stormwater flows through the project site and into the creek system. The proposed onsite drainage system, described in the Drainage Master Plan included as Appendix I to the FEIR, has been designed with sufficient capacity to accommodate the Proposed Project as well as to address ongoing drainage issues in the vicinity. Consistent with the City's design standards, additional considerations would be made for the safe conveyance and overland flow release of the 100-year storm event assuming a total blockage of the storm drain system. Prior to acceptance and issuance of construction documents, the final design for the storm drainage infrastructure and overland conveyance system would be reviewed by the City's Engineering Department to ensure it complies with the City Improvement Standards and the ARSP Drainage Master Plan. Consistency with City standards would avoid the potential for flooding within the project site. The above mitigation requires development of a plan to monitor for erosion from the Project and to implement measures to remediate and prevent erosion should it occur. This impact would be **less than significant with mitigation**.

h.i. Potential Significant Impact:

**Impact 4.13-5: Increase in the Amount of Surface Runoff Volume, Which Would Exceed the Capacity of Existing Storm Drainage Systems and Increase the Potential for Downstream Flooding.**

h.ii. Facts in Support of Finding:

**MM 4.13-3: Fair Share Payment to Regional Storm Water Retention**

The Permittee shall annex into the fee district and pay the Pleasant Grove Drainage fee to the City prior to the approval of each building permit, which would cover the cost of retention for that development's portion of the Pleasant Grove Retention Basin Project at the Al Johnson Wildlife Area.

### **Significance After Mitigation**

Development of the Project would increase the impervious surfaces on approximately 481 acres of the project site, which would increase the volume of stormwater runoff into University Creek and Pleasant Grove Creek compared to existing conditions. In addition, development and grading would alter the existing runoff patterns and conveyance capacities of the properties in the Project site. This volume increase, when combined with the larger watersheds contributing to the Natomas Cross Canal watershed, has the potential to peak with the flood waters of the Sacramento River to cause flooding downstream of the project site in Sutter County.

The majority of the flow generated by the Project will be routed into University Creek downstream of the existing berm at the southwestern corner of the project site. The ARSP proposes to drain the majority of the project site into channels on the western and southern borders of the project site. This drainage plan avoids the necessity of piping to University Creek south of the site, thereby avoiding extreme amounts of grading and land disturbance that would be required. To avoid this, the channel concept was developed. Due to the use of these channels, the berm adjacent to University Creek will remain in place. In addition, flows would be routed away from existing flood-prone areas on the neighboring Gleason property and the Toad Hill Ranches. The proposed drainage pattern alterations have been designed to alleviate existing flooding issues both on- and off-site. The increase in volumetric flows from the project site would be managed to minimize the risk of downstream flooding beyond the boundaries in the Natomas Cross Canal watershed. The above mitigation measure requires annex into the Drainage Fee District and to pay drainage impacts fees for the volumetric storage needs. This impact would be **less than significant after mitigation**.

#### i.i. Potential Significant Impact:

##### **Impact 4.13-8: Cumulative Hydrology and Water Quality Impacts.**

#### i.ii. Facts in Support of Finding:

**MM 4.13-1: Implementation of Construction Activity Stormwater Standards (see above)**

**MM 4.13-2: Storm Water Management Development Standards (see above)**

**MM 4.13-3: Fair Share Payment to Regional Storm Water Retention (see above)**

### **Significance After Mitigation**

Cumulative development in the Roseville area, which includes the Pleasant Grove Creek watershed, would increase the amount of impervious surfaces which could contribute to increased peak stormwater runoff flows and increased flood elevations. Projects upstream and east of State Route 65 in



Lincoln and Rocklin have constructed or have planned regional detention peak flow storage basins along Pleasant Grove Creek and its tributaries. Both the City of Roseville and Placer County General Plan policies require that individual projects mitigate their contribution of increased peak stormwater runoff flows and to minimize the potential for increased flood elevations and on- and off-site flooding. The Project and potential cumulative projects in the vicinity of the project site, including growth resulting from build-out of the City's General Plan and the nearby specific plans, would be required to comply with the general NPDES permitting and local, state, and federal regulations, which are intended to reduce the potential for cumulative impacts to water quality during construction and operation. This impact is **less than significant with mitigation**.

(2) Findings regarding significant water quality or supply impacts being authorized due to specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers that cannot feasibly be mitigated to a less than significant level. (Public Resources Code, § 21081, subdivision (a)(3); Cal. Code Regs., tit. 14, § 15091, subdivision (a)(3).)

*Changes or alterations have been required in, or incorporated into, the project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the FEIR. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. However, as set forth in the Statement of Overriding Considerations below, the project's benefits outweigh the significant and unavoidable effects of the project.*

a.i. Potential Significant Impacts:

**4.8-18: Cumulative Impacts to Biological Resources.**

a.ii. Facts in Support of Finding:

As detailed in the FEIR and Addendum, the Project would significantly contribute to the urbanization of western Placer County. Specific to wetland loss, Project implementation with other planned development, including the Placer Parkway, would result in significant cumulative loss of vernal pools, and the Project's incremental contribution to the cumulative impact is considerable. While the Lead Agency found Project-specific impacts could be reduced to less-than-significant with mitigation measures identified above, regional impacts would be considered **significant and unavoidable** even after mitigation given the substantial change in habitat conditions as a consequence of cumulative development in the region. A statement of overriding considerations for this impact is presented below.

#### **D. Statement of Overriding Considerations**

The City of Roseville's FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts within the Central Valley Water Board's jurisdiction, the Central Valley water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subdivision (b); California Code of Regulations, Title 14, section 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Amoruso Ranch Project are disclosed in the City of Roseville's FEIR and Addendum, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has independently reviewed and considered the Lead Agency's documentation and findings. The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic and social benefits of implementing the Project as detailed by the Lead Agency—including increased housing and employment opportunities—outweigh the significant and unavoidable impacts identified above. The Central Valley Water Board defers to the Lead Agency's land use planning decisions and its vision for continued growth and development in the City of Roseville. Additionally, appropriate compensatory mitigation as detailed above and in the Order is intended to adequately offset Project-specific impacts and the Central Valley Water Board is committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state through implementation of the No Net Loss Policy.

#### **E. 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 quality or supply impacts. (California Code of Regulations, Title 14, section 15096, subd. (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, Title 14, section 15096, subd. (i).)

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## **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/)  
([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wqcerts/](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 & 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](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Greg.Hendricks@waterboards.ca.gov](mailto:Greg.Hendricks@waterboards.ca.gov)
  - Include in the subject line of the email:  
ATTN: Greg Hendricks; Project Name; and WDID No. 5A31CR00520

### 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. 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 the project due to post construction monitoring requirements. 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 and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
- C. Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to the project once the Permittee has completed post-construction monitoring, achieved performance standards, 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:** 19 February 2021

### 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. Photo-Documentation:** 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:** Amoruso Ranch Project  
**Permittee:** Brookfield Sunset LLC  
**WDID:** 5A31CR00520  
**Reg. Meas. ID:** 433425  
**Place ID:** 832200  
**Order Effective Date:** 19 February 2021  
**Order Expiration Date:** 30 June 2030

**VI. Report Type Submitted**

**A. Part A – Project Reporting**

Report Type 1  Monthly Report  
Report Type 2  Annual Report

**B. Part B – Project Status Notifications**

Report Type 3  Commencement of Construction  
Report Type 4  Request for Notice of Completion of Discharges Letter  
Report Type 5  Request for Notice of Project Complete Letter

**C. Part C – Conditional Notifications and Reports**

Report Type 6  Accidental Discharge of Hazardous Material Report  
Report Type 7  Violation of Compliance with Water Quality Standards Report  
Report Type 8  In-Water Work/Diversions Water Quality Monitoring Report  
Report Type 9  Modifications to Project Report  
Report Type 10  Transfer of Property Ownership Report  
Report Type 11  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.”

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**Print Name<sup>1</sup>**

**Affiliation and Job Title**

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**Signature**

**Date**

**<sup>1</sup>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.

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**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 1st day of each month beginning one month after the submittal of the Notification of Project Commencement until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** -
  - i. Construction Summary

Describe Project progress 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 Report

- a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of March. Annual 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.

### During the Active Discharge Period

- **Topic 1: Construction Summary**
- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

### During the Post-Discharge Monitoring Period

- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

- i. Annual Report Topic 1 - Construction Summary

**When to Submit** - With the annual report during the Active Discharge Period.

**Report Contents** - Project progress 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). If construction has not started, provide estimated start date and reasons for delay.

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

- ii. Annual Report Topic 2 - Mitigation for Temporary Impacts Status

**When to Submit** - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

**Report Contents -**

- 1) Planned date of initiation and map showing locations of mitigation for 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 Status

**When to Submit** - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

**1) Part A. Permittee Responsible – Not Applicable**

**2) 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. Part B – Project Status Notifications**

**1. Report Type 3 - 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 4 - 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 Project 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 5 - 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 and Monitoring
  - 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. Part C – Conditional Notifications and Reports**

**1. Report Type 6 - 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 7 - 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 8 - 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 9 - 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 10 - 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 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 11 - 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 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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## **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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## **PROJECT 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 Project Deviation, as defined in Section L 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. Project Deviation Request:** The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Project 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 Project 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.)
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**D. Post-Discharge Project Deviation Reporting:**

1. Within 30 calendar days of completing the approved Project 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 Project Deviation activities through the reporting period with the following information:
  - a. Site name(s);
  - b. Date(s) of Project 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 Project 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).