# Central Valley Regional Water Quality Control Board

## CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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| **Effective Date:** | 17 March 2026 |
| **Expiration Date:** | 16 March 2031 |
| **Program Type:** | Fill/Excavation |
| **Project Type:** | Residential |

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|---|---|
| Reg. Meas. ID: | 463694 |
| Place ID: | 904065 |
| WDID No.: | 5A34CR00934 |
| USACE No.: | SPK-2007-01072 Letter Of Permission |

**Project:** Javanifard and Zarghami Project (Project)

**Applicant:** Alder Creek West Improvement Company, LLC.

**Applicant Contact:** William B. Bunce
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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. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Alder Creek West Improvement Company, LLC. (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 11 December 2025. The application was deemed complete on 20 February 2026. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

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|---|---|
| Date of Notice of Incomplete Application: | **9 January 2026** |
| Date all requested information was received: | **14 January 2026**<br>**11 February 2026** |

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates:

| | |
|---|---|
| Date of Request for Supplemental Information: | **20 February 2026** |
| Date all requested information was received: | **13 March 2026** |

## II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 19 December 2025 to 9 January 2026. The Central Valley Water Board did not receive any comments during the comment period.

## III. Project Purpose

The purpose of the Project is to construct a residential development.

## IV. Project Description

The Project consists of developing a residential community and associated infrastructure including roads, utilities, landscaping, stormwater facilities, passive recreation open space, and conservation areas within the approximately 30-acre parcel. The Project is included within the Folsom Plan Area Specific Plan (FPASP), which is a large-scale, mixed-use, master-planned community that includes mixed-density residential uses, a regional shopping center, and associated supporting infrastructure. A portion of the Javanifard and Zarghami Project site was previously permitted under the FPASP Backbone Infrastructure Water Quality Certification (WDID# 5A34CR00519/5A34CR00519A1). The previously permitted areas are not included within the present Project.

Construction of the Project will require mass grading using heavy equipment. A large pond, located in the north-central portion of the project site, will remain in place with minor modifications including grading of slopes along the margins of the pond to accommodate the elevations necessary for construction of the surrounding

residential development. A stormwater management basin will be constructed near the downstream inlet to the pond and will accommodate 10-year 24-hour storm flows. The stormwater management basin will discharge into the pond and is expected to maintain surface elevations at approximately the same elevation under current conditions. Concrete and riprap will be used to structurally stabilize the outflow from the pond, which discharges to an existing seep and Alder Creek. Dewatering of the pond is not anticipated to be necessary due to the seasonal drawing down of water within the pond.

## V. Project Location

Address: 13953 Mangini Parkway

County: Sacramento

Assessor's Parcel Number: 072-0060-007-0000

Nearest City: Folsom

Section 17, Township 9 North, Range 8 East, MDB&M.

Latitude: 38.628615° and Longitude: -121.130769°

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

## VI. Project Impact and Receiving Waters Information

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

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

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

Mass grading of the Project Area will result in both permanent and temporary

impacts to Waters of the State. Mass grading will involve using heavy equipment (dozers, graders, excavators) within the permanent impact areas to establish building pads, roads, and appurtenances. Work within the temporary impact areas will include heavy equipment use, materials staging, and vegetation removal.

Approximately 2.801 acres of Waters of the State are within the Project area, consisting of seasonal wetlands, seasonal wetland swales, ephemeral drainages, and ponds. Approximately 2.336 acres will be avoided, 0.197 acre will be permanently impacted, and 0.268 acre will be temporarily impacted and restored to pre-project conditions.

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[1]**

| Aquatic Resources Type | Acres |
|---|---|
| Pond | 0.259 |
| Stream Channel | 0.008 |

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

| Aquatic Resources Type | Acres |
|---|---|
| Pond | 0.031 |
| Stream Channel | 0.044 |
| Wetland | 0.121 |

## 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. The Project Area is located within the FPASP, and indirect impacts have been assessed at the specific plan level through the Environmental Impact Report (EIR). Potential indirect impacts would result from the change in land use from the current undeveloped open land to development, such as edge effects related to the proposed land uses and water quality impacts from Project-related discharges. The Mitigation Monitoring and Reporting Plan (MMRP) includes measures to address indirect impacts to Waters of the State,

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

including requirements to design stormwater drainage plans and erosion and sediment control plans to avoid and minimize erosion and runoff to wetlands and other waters, and to use low impact development features.

## 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:

- Mitigation Measure 3A.3-1a: Design Stormwater Drainage Plans and Erosion and Sediment Control Plans to Avoid and Minimize Erosion and Runoff to All Wetlands and Other Waters That Are to Remain on the Specific Plan Agreement (SPA) and Use Low Impact Development Features: To minimize indirect effects on water quality and wetland hydrology, the project applicant for any particular discretionary development application shall include stormwater drainage plans and erosion and sediment control plans in their improvement plans and shall submit these plans to the City Public Works Department for review and approval. For off-site elements within Sacramento County or El Dorado County jurisdiction (e.g., off-site detention basin and off-site roadway connections to El Dorado Hills), plans shall be submitted to the appropriate county planning department. Before approval of these improvement plans, the project applicant for any particular discretionary development application shall obtain a NPDES MS4 Municipal Stormwater Permit and Grading Permit, comply with the City's Grading Ordinance and County drainage and stormwater quality standards, and commit to implementing all measures in their drainage plans and erosion and sediment control plans to avoid and minimize erosion and runoff into Alder Creek and all wetlands and other waters that would remain on-site.

  The project applicant for any particular discretionary development entitlement shall implement stormwater quality treatment controls consistent with the Stormwater Quality Design Manual for Sacramento and South Placer Regions in effect at the time the application is submitted. Appropriate runoff controls such as berms, storm gates, off-stream detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants. Development plans shall incorporate Low Impact Development (LID) features, such as pervious strips, permeable pavements, bioretention ponds, vegetated swales, disconnected rain gutter downspouts, and rain gardens, where appropriate. Use of LID features is recommended by the U.S. Environmental Protection Agency (EPA) to minimize impacts on water quality, hydrology, and stream geomorphology and is specified as a method for protecting water quality in the proposed specific plan. In addition, free spanning bridge systems shall be used for all roadway crossings over wetlands and other waters that are retained in the on-site open space. These bridge systems would maintain the

natural and restored channels of creeks, including the associated wetlands, and would be designed with sufficient span width and depth to provide for wildlife movement along the creek corridors even during high-flow or flood events, as specified in the 404 permit.

In addition to compliance with City ordinances, the project applicant for any particular discretionary development application shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement Best Management Practices (BMPs) that comply with the General Construction Stormwater Permit from the Central Valley Water Board, to reduce water quality effects during construction.

Each project development shall result in no net change to peak flows into Alder Creek and associated tributaries, or to Buffalo Creek, Carson Creek, and Coyote Creek. The project applicant shall establish a baseline of conditions for drainage on-site. The baseline-flow conditions shall be established for 2, 5, and 100 year storm events. These baseline conditions shall be used to develop monitoring standards for the stormwater system on the SPA. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to U.S. Army Corps of Engineers (USACE) and the City for their approval. Water quality and detention basins shall be designed and constructed to ensure that the performance standards are met and shall be designed as off-stream detention basins. Discharge sites into Alder Creek and associated tributaries, as well as tributaries to Carson Creek, Coyote Creek, and Buffalo Creek, shall be monitored to ensure that pre-project conditions are being met. Corrective measures shall be implemented as necessary. The mitigation measures will be satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures to meet the performance standard.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicants of each applicable project phase in consultation with the affected oversight agencies such that the performance standards are met.

- Mitigation Measure 3A.3-1b: Secure Clean Water Act Section 404 Permit and Implement All Permit Conditions; Ensure No Net Loss of Functions and Values of Wetlands, Other Waters of the U.S., and Waters of the State: Before the approval of grading and improvement plans and before any groundbreaking activity associated with each distinct discretionary development entitlement, the project applicant for any particular discretionary development application requiring fill of wetlands or other waters of the U.S. or waters of the state shall obtain all necessary permits under Sections 401 and 404 of the Clean Water Act (CWA) or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured before implementation of any grading activities within 250 feet of waters of the U.S. or wetland habitats or lesser

distance deemed sufficiently protective by a qualified biologist with approval from USFWS, including waters of the state, that potentially support Federally listed species. The project applicant shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with USACE and the Central Valley Water Board) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with implementation of project plans for that development increment. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley Water Board, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes.

- Mitigation Measure 3B.8-1a: Transport, Store, and Handle Construction-Related Hazardous Materials in Compliance with Relevant Regulations and Guidelines: The City shall ensure, through the enforcement of contractual obligations, that all contractors transport, store, and handle construction-related hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by Caltrans, Central Valley Water Board, local fire departments, and the County environmental health department.

  Recommendations shall include as appropriate transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using applicable Federal, state and/or local regulatory agency protocols. In addition, all precautions required by the Central Valley Water Board issued NPDES construction activity stormwater permits shall be taken to ensure that no hazardous materials enter any nearby waterways.

  In the event of a spill, the City shall ensure, through the enforcement of contractual obligations, that all contractors immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. If required by the local fire departments, the local environmental health department, or any other regulatory agency, contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

  The storage, handling, and use of the construction-related hazardous materials shall be in accordance with applicable Federal, state, and local laws. Construction related hazardous materials and hazardous wastes (e.g., fuels and waste oils) shall be stored away from stream channels and steep banks to prevent these materials from entering surface waters in the event of an accidental release. These materials shall be kept at sufficient distance (at least 500 feet) from nearby residences or other sensitive land uses. This includes materials stored for expected use, materials in equipment and vehicles, and waste materials.

- Mitigation Measure 3A.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs: Prior to the issuance of grading permits, the project applicant(s) of all projects disturbing one or more acres (including phased construction of smaller areas which are part of a larger project) shall obtain coverage under the State Water Board's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific SWPPP at the time the Notice of Intent is filed. The project applicant(s) shall also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to Sacramento County, City of Folsom, El Dorado County (for the off-site roadways into El Dorado Hills under the Proposed Project Alternative). The SWPPP and other appropriate plans shall identify and specify:
    - the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the local jurisdictions for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences
    - the implementation of approved local plans, non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
    - the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
    - spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
    - personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
    - the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

  Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site.

For those areas that would be disturbed as part of the U.S. 50 interchange improvements, Caltrans shall coordinate with the development and implementation of the overall project SWPPP, or develop and implement its own SWPPP specific to the interchange improvements, to ensure that water quality degradation would be avoided or minimized to the maximum extent practicable.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

- Mitigation Measure 3A.9-3: Develop and Implement a BMP and Water Quality Maintenance Plan: Before approval of the grading permits for any development project requiring a subdivision map, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicant of the development project. Drafts of the plan shall be submitted to the City of Folsom and El Dorado County for the off-site roadway connections into El Dorado Hills, for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan shall include the elements described below.
  - A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
  - Predevelopment and post development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements

established by the City of Folsom and including details regarding the size, geometry, and functional timing of storage and release pursuant to the '"Stormwater Quality Design Manual for Sacramento and South Placer Regions" ([SSQP 2007b] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46) and El Dorado County's NPDES SWMP (County of El Dorado 2004).

- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
    - surface swales;
    - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
    - impervious surfaces disconnection; and
    - trees planted to intercept stormwater.
- New stormwater facilities shall be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations shall be quantified based on the runoff reduction credit system methodology described in "Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4" (SSQP 2007b) and proposed detention basins and other water quality BMPs shall be sized to handle these runoff volumes.

For those areas that would be disturbed as part of the U.S. 50 interchange improvements, it is anticipated that Caltrans would coordinate with the development and implementation of the overall project SWPPP, or develop and implement its own SWPPP specific to the interchange improvements, to ensure that water quality degradation would be avoided or minimized to the maximum extent practicable.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with El Dorado County and Caltrans.

- Mitigation Measure 3B.9-3a: Prepare and Implement Drainage Plan(s) for Structural Facilities: The City shall prepare a Drainage Plan for the selected Off-site Water Facility WTP and shall incorporate measures to maintain off-site runoff during peak conditions to pre-construction discharge levels. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities during and following construction. The City shall evaluate options for on-site detention including, but not limited to, providing temporary storage within a portion or portions of proposed paved areas, linear infiltration facilities along the site perimeter, and/or other on-site opportunities for detention, retention, and/or infiltration facilities. Design specifications for the detention, retention, and/or infiltration facilities shall provide sufficient storage capacity to accommodate the 10-year, 24-hour storm event. In addition, the Drainage Plan shall delineate the overland release path for flows generated by a 100-year frequency storm, so that structural pad elevations for buildings, containment facilities, storage tank, and container storage areas are placed a minimum of one foot above the property's highest frontage curb elevation. The Drainage Plan shall also provide sufficient attenuation of flows to ensure no net increase in off-site discharges to waterways that drain across the FSC via one or more drainage chutes (e.g., Buffalo Creek).
- Mitigation Measure 3B.9-3b: Ensure the Provision of Sufficient Outlet Protection and On-site Containment: Energy dissipaters, vegetated rip-rap, soil protection, and/or other appropriate BMPs shall be included within all storm-drain outlets to slow runoff velocities and prevent erosion at discharge locations for the WTP. A long-term maintenance plan shall be implemented for all drainage discharge control devices. The WTP layout shall also include sufficient on-site containment and pollution-control devices for drainage facilities to avoid the off-site release of water quality pollutants, oil and grease.

The Project will increase impervious surfaces. Impervious surfaces cause reduced base flows through decreased groundwater recharge; increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time, and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction. With the implementation of Low Impact Development (LID) treatments, the effects of impervious surfaces were minimized to the following waters of the state: Alder Creek

## X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for Permanent impacts, described in section XIV.K for permanent impacts.

## XI. California Environmental Quality Act (CEQA)

On 14 June 2011, the City of Folsom, as lead agency, certified an environmental

impact report (EIR) (State Clearinghouse (SCH) No. 2008092051) for the Project and filed a Notice of Determination (NOD) at the SCH on 15 June 2011. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

## XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

## XIII. Fees

**A.** An application fee of $4,212.00 was received on 12 December 2025. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of $13,434.00 based on total Project impacts was received on 13 March 2026.

**B. Annual Fees:** This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year. [2]

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Certification are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the State Water Board's Water Quality Fees website (https://www.waterboards.ca.gov/resources/fees/water_quality/), under Water Quality Certification (WQC) Program Fees.

## XIV. Conditions

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, the Permittee may proceed with the Project under the following terms and conditions:

### A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Tables 1

[2] Annual invoices are issued for projects active for any amount of time in the current fiscal year (1 July – 30 June).

through 2.

## B. Reporting and Notification Requirements

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

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

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

### 1. Project Reporting

a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

b. **Annual Reporting:** NOT APPLICABLE

### 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 corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-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[3]:**

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES, procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification Web page (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours).

[3] "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.)

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 certification deviation section of this Order.

**e. Transfer of Property Ownership:**

This Order is not transferable in its entirety or in part to any person or organization except after notice to the 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, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the

state shall conform to the following water quality standards:

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

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

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

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

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

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

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

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.[4] The sampling in Table 3 shall be conducted in the pond outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the pond.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as

[4] 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.

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.

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

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

| Parameter | Unit of Measurement | Type of Sample | Minimum Frequency |
|---|---|---|---|
| Turbidity | NTU | Grab | Every 4 hours |
| Visible construction related pollutants[5] | Observations | Visual Inspections | Continuous throughout the construction period |

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 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central

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

Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

## E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall

bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-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 Endangered Species Act prior to any construction or operation of the

portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
   c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
   d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. **Lake or Streambed Alteration Agreement**

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

## G. Construction

### 1. Dewatering

a. Dewatering may occur within the Project area. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of

dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

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

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

**e.** 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.

2. **Directional Drilling:** NOT APPLICABLE

3. **Dredging:** NOT APPLICABLE

4. **Fugitive Dust**

   Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

5. **Good Site Management “Housekeeping”**

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

   **b.** Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be

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

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

**6. Hazardous Materials**

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

**b.** No wet concrete will be placed into aquatic resources habitat.

**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**

The following Special Status Species have the potential to occur near or within the Project area: tricolored blackbird, Swainson’s hawk, western burrowing owl, Crotch bumblebee.

**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)**

The Sacramento-San Joaquin Delta Methylmercury Total Maximum Daily Loads (TMDL) is an action plan to restore clean water that has been contaminated by mercury and has experienced or has the potential to produce methylmercury within waters of the state. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine specific water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. A copy of the Sacramento-San Joaquin Delta Methylmercury TMDL is located on the Central Valley Water Board website at: Sacramento-San Joaquin Delta Methylmercury TMDL - TMDL Projects | Central Valley Regional Water Quality Control Board (ca.gov) (https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/).

**J. Mitigation for Temporary Impacts**

**1.** The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Restoration plan dated February 2026 and incorporated herein by reference.

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

**3.** If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to

offset temporal loss of waters of the state.

4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 4: Required Project Mitigation Quantity for Temporary Impacts by Method**

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|---|---|---|---|---|---|---|---|---|
| Pond | Permittee Responsible | Acres | | 0.259 | | | | |
| Stream Channel | Permittee Responsible | Acres | | 0.008 | | | | |

**K. Compensatory Mitigation for Permanent Impacts:**

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

**1. Final Compensatory Mitigation Plan**

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory mitigation plan (Compensatory Mitigation Plan) dated 2 December 2025 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

**2. 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.

**3. Total Required Compensatory Mitigation**

**a.** The Permittee is required to provide compensatory mitigation for the

authorized impact to 0.121 acre of seasonal wetlands by purchasing 0.16 Floodplain Mosaic Wetland credits from the Johnson Consumnes Mitigation Bank.

**b.** The Permittee is required to provide compensatory mitigation for the authorized impact to 0.031 acre of pond by purchasing 0.04 Floodplain Mosaic Wetland credits from the Johnson Consumnes Mitigation Bank.

**c.** The Permittee is required to provide compensatory mitigation for the authorized impact to 0.044 acre of stream channel by purchasing 0.04 Floodplain Riparian credits from the Johnson Consumnes Mitigation Bank.

**d.** Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|---|---|---|---|---|---|---|---|---|
| Floodplain Mosaic Wetland | Mitigation Bank Credits | Acres | 0.2 | | | | | |
| Floodplain Riparian | Mitigation Bank Credits | Acres | 0.04 | | | | | |

## L. Certification Deviation

**1.** Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

**2.** A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

## XV. Water Quality Certification

I hereby issue the Order for the Javanifard and Zarghami Project, WDID # 5A34CR00934, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

*Original Signed by Anne Walters*
For Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

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

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## Attachment A – Project Maps

Figure 1: Project Location

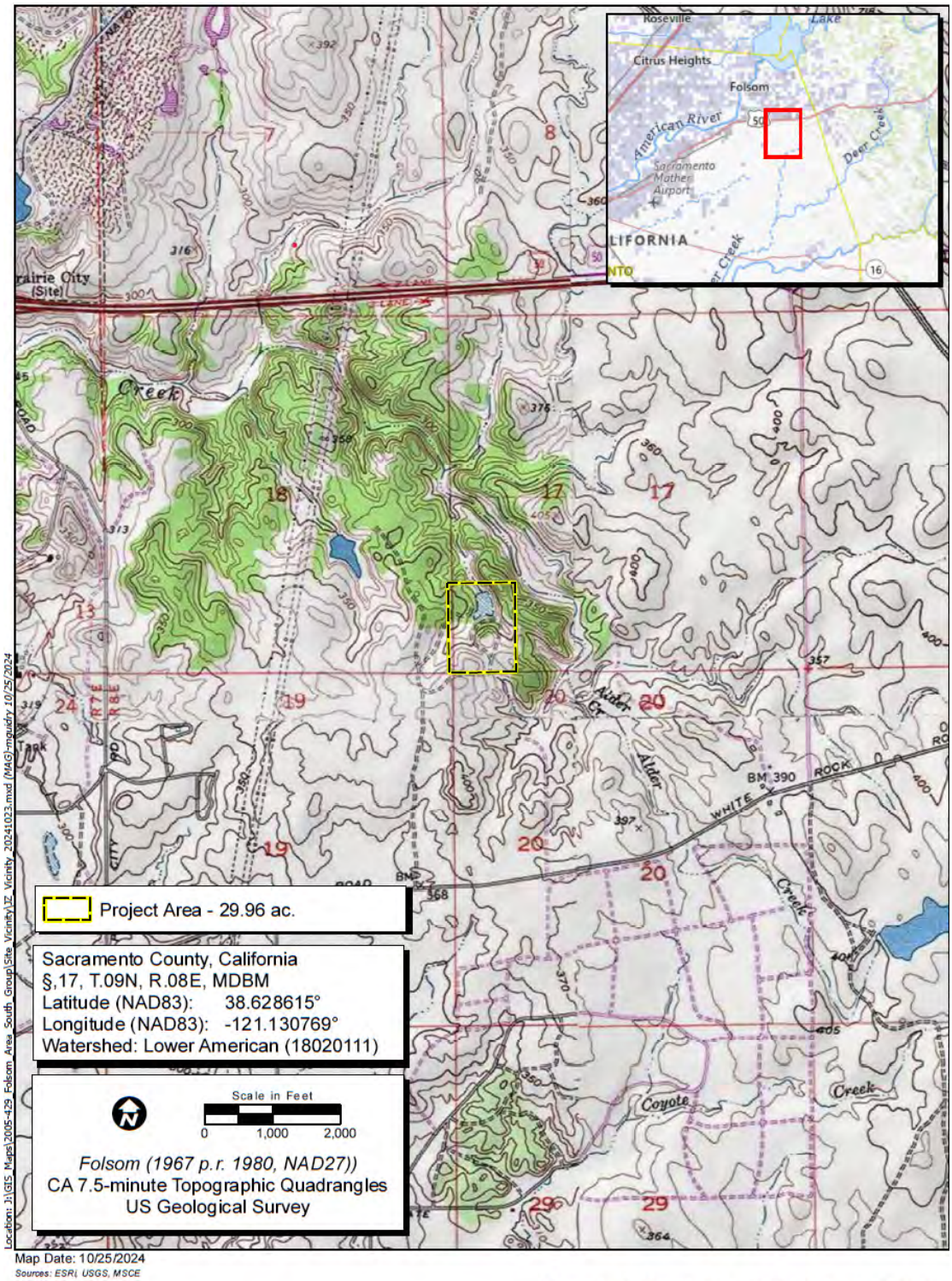
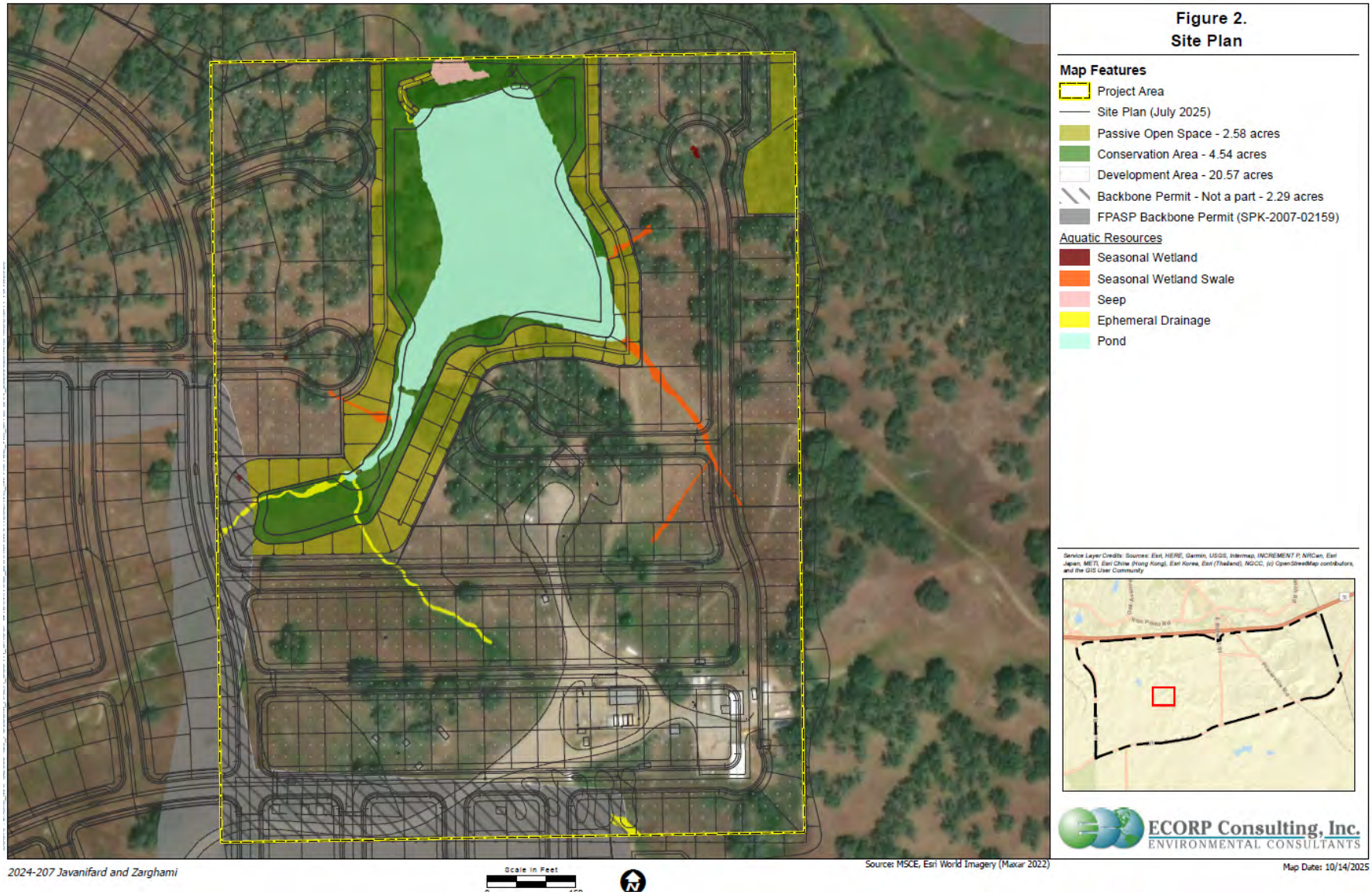



**Figure 1. Project Location and Vicinity**

*2024-207 Javanifard and Zarghami*

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Figure 2: Project Impacts



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## Attachment B – Receiving Waters, Impacts and Mitigation Information

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

**Table 1: Receiving Water(s) Information**

| Non-Federal Waters | Impact Site ID | Waterbody Name | Impacted Aquatic Resources Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant |
|---|---|---|---|---|---|---|---|
| No | Pond | Unnamed Tributary to American River | Pond | 514.25 | American River | MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD | Indicator Bacteria, Mercury |
| No | Wetland | Unnamed Tributary to American River | Wetland | 514.25 | American River | MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD | Indicator Bacteria, Mercury |
| No | Stream Channel | Unnamed Tributary to American River | Stream Channel | 514.25 | American River | MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD | Indicator Bacteria, Mercury |

**Individual Direct Impact Locations**

The following tables show individual impacts.

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

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acres |
|---|---|---|---|---|
| Pond | 38.628615° | -121.130769° | No | 0.259 |
| Stream Channel | 38.628615° | -121.130769° | No | 0.008 |

**Table 3: Individual Permanent Fill/Excavation Impact Information**

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acres |
|---|---|---|---|---|
| Pond | 38.628615° | -121.130769° | No | 0.031 |
| Wetland | 38.628615° | -121.130769° | No | 0.121 |
| Stream Channel | 38.628615° | -121.130769° | No | 0.044 |

## Compensatory Mitigation Information

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

### Mitigation Bank Compensatory Mitigation Site Information

**Table 4: Mitigation Bank**

| | |
|---|---|
| Mitigation Bank Name: | Johnson Consumnes Mitigation Bank |
| Website: | Johnson Cosumnes Mitigation Bank (https://ribits.ops.usace.army.mil/ords/f?p=107:997:10843857663539) |
| Mitigation Bank Contact Name: | Allegra Bukojemsky |
| Phone: | (916) 646-3644 |
| Email: | ABukojemsky@westervelt.com |
| Mitigation Location - County: | Sacramento |

**Table 5: Mitigation Type Information**

| Aquatic Resource Credit Type | Acres | Linear Feet | Number of Credits Purchased |
|---|---|---|---|
| Floodplain Mosaic Wetland | 0.2 | | TBD |
| Floodplain Riparian | 0.04 | | TBD |

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## Attachment C – CEQA Findings of Fact

### A. Environmental Review

On 14 June 2011, the City of Folsom, as lead agency, certified a Final Environmental Impact Report (FEIR) State Clearinghouse (SCH) No. 2008092051 for the Folsom Plan Area Specific Plan Project and filed a Notice of Determination (NOD) at the SCH on 15 June 2011. 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 Folsom'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 Folsom addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Folsom 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.

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 is available at: Folsom Plan Area Maps and Documents | Folsom, CA (https://www.folsom.ca.us/government/community-development/planning-services/folsom-plan-area/maps-and-documents/-folder-369#docfold_14_1850_486_369).

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 resources. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

Findings regarding impacts that will be 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:

- **3B.3-1 Loss and Degradation of Waters of the U.S., including Wetlands, and Waters of the State.** Construction of the Off-site Water Facility Alternatives has the potential to result in substantial adverse effects to Federally and state-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to vernal pools and seasonal wetlands) through direct fill or excavation, hydrological interruption, or other indirect impacts. Wetlands, waters of the state, and other waters of the U.S. that would be affected by implementation of the Off-site Water Facility Alternatives include seeps, vernal pools, seasonal wetlands and seasonal wetland swales, drainage channels, ditches, and ponds.

a.ii. Facts in Support of Finding:

- **Mitigation Measure 3A.3-1a: Design Stormwater Drainage Plans and Erosion and Sediment Control Plans to Avoid and Minimize Erosion and Runoff to All Wetlands and Other Waters That Are to Remain on the Specific Plan Agreement (SPA) and Use Low Impact Development Features:** To minimize indirect effects on water quality and wetland hydrology, the project applicant for any particular discretionary development application shall include stormwater drainage plans and erosion and sediment control plans in their improvement plans and shall submit these plans to the City Public Works Department for review and approval. For off-site elements within Sacramento County or El Dorado County jurisdiction (e.g., off-site detention basin and off-site roadway connections to El Dorado Hills), plans shall be submitted to the appropriate county planning department. Before approval of these improvement plans, the project applicant for any particular discretionary development application shall obtain a NPDES MS4 Municipal Stormwater Permit and Grading Permit, comply with the City's Grading Ordinance and County drainage and stormwater quality standards, and commit to implementing all measures in their drainage plans and erosion and sediment control plans to avoid and minimize erosion and runoff into Alder Creek and all wetlands and other waters that would remain on-site.

  The project applicant for any particular discretionary development entitlement shall implement stormwater quality treatment controls consistent with the Stormwater Quality Design Manual for Sacramento and South Placer Regions in effect at the time the application is submitted. Appropriate runoff controls such as berms, storm gates, off-stream detention basins, overflow collection areas, filtration systems,

and sediment traps shall be implemented to control siltation and the potential discharge of pollutants. Development plans shall incorporate Low Impact Development (LID) features, such as pervious strips, permeable pavements, bioretention ponds, vegetated swales, disconnected rain gutter downspouts, and rain gardens, where appropriate. Use of LID features is recommended by the EPA to minimize impacts on water quality, hydrology, and stream geomorphology and is specified as a method for protecting water quality in the proposed specific plan. In addition, free spanning bridge systems shall be used for all roadway crossings over wetlands and other waters that are retained in the on-site open space. These bridge systems would maintain the natural and restored channels of creeks, including the associated wetlands, and would be designed with sufficient span width and depth to provide for wildlife movement along the creek corridors even during high-flow or flood events, as specified in the 404 permit.

In addition to compliance with City ordinances, the project applicant for any particular discretionary development application shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement Best Management Practices (BMPs) that comply with the General Construction Stormwater Permit from the Central Valley Water Board, to reduce water quality effects during construction.

Each project development shall result in no net change to peak flows into Alder Creek and associated tributaries, or to Buffalo Creek, Carson Creek, and Coyote Creek. The project applicant shall establish a baseline of conditions for drainage on-site. The baseline-flow conditions shall be established for 2, 5, and 100 year storm events. These baseline conditions shall be used to develop monitoring standards for the stormwater system on the SPA. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to USACE and the City for their approval. Water quality and detention basins shall be designed and constructed to ensure that the performance standards are met and shall be designed as off-stream detention basins. Discharge sites into Alder Creek and associated tributaries, as well as tributaries to Carson Creek, Coyote Creek, and Buffalo Creek, shall be monitored to ensure that pre-project conditions are being met. Corrective measures shall be implemented as necessary. The mitigation measures will be satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures to meet the performance standard.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicants of each applicable project phase in consultation with the affected oversight agencies such that the performance standards are met.

- **Mitigation Measure 3A.3-1b: Secure Clean Water Act Section 404 Permit and Implement All Permit Conditions; Ensure No Net Loss of Functions and Values of Wetlands, Other Waters of the U.S., and Waters of the State:** Before the approval of grading and improvement plans and before any groundbreaking activity associated with each distinct discretionary development entitlement, the project applicant(s) for any particular discretionary development application requiring fill of wetlands or other waters of the U.S. or waters of the state shall obtain all necessary permits under Sections 401 and 404 of the CWA or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured before implementation of any grading activities within 250 feet of waters of the U.S. or wetland habitats or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS, including waters of the state, that potentially support Federally listed species. The project applicant(s) shall commit to replace, restore, or enhance on a "no net loss" basis (in accordance with USACE and the Central Valley Water Board) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with implementation of project plans for that development increment. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley Water Board, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes.

  As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) shall be developed for the project on behalf of the project applicant(s). Before any ground-disturbing activities in an area that would adversely affect wetlands and before engaging in mitigation activities associated with each discretionary development entitlement, the project applicant(s) shall submit the draft wetland MMP to USACE, the Central Valley Water Board, Sacramento County, El Dorado County, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized prior to impacting any wetlands. Once the final MMP is approved and implemented, mitigation monitoring shall continue for a minimum of 5 years from completion of mitigation, or human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

  As part of the MMP, the project applicant(s) shall prepare and submit plans for the creation of aquatic habitat in order to adequately offset and replace the aquatic functions and services that would be lost at the

SPA, account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands shall be a priority of the MMP for offsetting losses of aquatic functions on the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions and values that would be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features shall be consistent with USACE's and EPA's 10 April 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230) and USACE's 26 October 2010 Memorandum Re: Minimum Level of Documentation Required for Permit Decisions. According to the Final Rule, mitigation banks should be given preference over other types of mitigation because a lot of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before credits can be sold. The use of mitigation credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA, 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a "watershed approach" in selecting locations for compensatory mitigation project locations, that mitigation selection must be "appropriate and practicable" and that mitigation banks must address watershed needs based on criteria set forth in the Final Rule. The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee. The SPA includes portions of the Alder Creek, Buffalo Creek, Coyote Creek, and Carson Creek Watersheds. The majority of the SPA is within the Alder Creek Watershed. Alder Creek and Buffalo Creek are part of the Lower American River Watershed. Carson Creek and Coyote Creek are part of the Cosumnes River Watershed. Mitigation credits may be available within the Cosumnes Watershed, but not within the American River Watershed and not within the sub-watersheds of the SPA. Therefore

aquatic habitats may need to be restored or created on the SPA and adjacent off-site lands, preferably within the affected watersheds, in order to successfully replace lost functions at the appropriate watershed scale where loss of function would occur. It is not likely feasible to provide compensatory mitigation for all aquatic resource impacts on site. Therefore, a combination of on-site and off-site permittee-responsible mitigation and mitigation banking would likely be necessary to achieve the no-net-loss standard.

The SPA is located within the service areas of several approved mitigation banks (e.g., Bryte Ranch, Clay Station, Fitzgerald Ranch, and Twin City Mitigation Bank). The majority of compensatory mitigation for wetland impacts is proposed to be accomplished at an agency approved mitigation bank or banks authorized to sell credits to offset impacts in the SPA. The applicants' biological consultant, ECORP, has identified availability of approximately 31 vernal pool credits and 228 seasonal wetland credits at mitigation banks whose service area includes the SPA. Additional credits may also be available from pending, but not yet approved, mitigation banks. However, availability is subject to change and, as noted above, a combination of mitigation bank credits and permittee-responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the U.S. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the 26 October 2010 Memorandum Re: Minimum Level of Documentation Required for Permit Decisions requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Compensatory mitigation for losses of stream and intermittent drainage channels shall follow the Final Rule Guidelines, which specify that compensatory mitigation should be achieved through in-kind preservation, restoration, or enhancement, within the same watershed, subject to practicability considerations. The wetland MMP shall address how to mitigate impacts on vernal pool, seasonal swale, seasonal wetland, seep, marsh, pond, and intermittent and perennial stream habitat, and shall describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP shall include the following:

- Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
    - located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;

- located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, and compatibility with adjacent land uses, and the likelihood for success and sustainability;

- A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), or other appropriate wetland assessment protocol as determined through consultation with USACE and the USFWS, to establish baseline conditions;
- Specific creation and restoration plans for each mitigation site;
- Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores shall be compared against the highest quality wetland of each type from the SPA;
- CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands shall be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- Monitoring protocol, including schedule and annual report requirements, and the following elements:
  - ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
  - CRAM assessments conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory preserved, restored, or created wetlands over time. CRAM scores Assessments results for compensatory wetlands shall also be compared against scores for reference wetlands assessed in the same year;
  - CRAM assessments analysis conducted annually for 5 years after any construction adjacent to wetlands preserved on the SPA to determine whether these areas

are retaining functions and values. CRAM scores Assessments results for wetlands preserved on site shall also be compared against scores for reference wetlands assessed in the same year;

- analysis of CRAM assessments data, including assessment of potential stressors, to determine whether any remedial activities may be necessary;
- corrective measures if performance standards are not met;
- monitoring of plant communities as performance criteria (annual measure of success, during monitoring period) and success criteria (indicative of achievement of mitigation habitat requirement at end of monitoring period) for hydrologic function have become established and the creation site “matures” over time;
- GIS analysis of compensatory wetlands to demonstrate actual acreage of functioning wetland habitat;
- adaptive management measures to be applied if performance standards and acreage requirements are not being met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

A final operations and management plan (OMP) for all on- and off-site permittee-sponsored wetland preservation and mitigation areas shall be prepared and submitted to USACE and USFWS for review, comment and preliminary approval prior to the issuance of any permits under Section 404 of the CWA. The plan shall include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). A final OMP for each discretionary development entitlement affecting wetlands must be approved prior to construction.

USACE has determined that the project will require an individual permit. In its final stage and once approved by USACE, the MMP for the project is expected to detail proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net

loss of aquatic functions in the project vicinity. Approval and implementation of the wetland MMP shall aim to fully mitigate all unavoidable impacts on jurisdictional waters of the U.S., including jurisdictional wetlands. In addition to USACE approval, approval by the City, Sacramento County, El Dorado County, and the Central Valley Water Board, as appropriate depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, will also be required. Approvals from Sacramento County and El Dorado County shall be required for impacts resulting from off-site project elements occurring in these counties, such as the off-site detention basin in Sacramento County and the roadway connections into El Dorado County. To satisfy the requirements of the City and the Central Valley Water Board, mitigation of impacts on the non jurisdictional wetlands beyond the jurisdiction of USACE shall be included in the same MMP. All mitigation requirements determined through this process shall be implemented before grading plans are approved. The MMP shall be submitted to USACE and approved prior to the issuance of any permits under Section 404 of the CWA.

Water quality certification pursuant to Section 401 of the CWA will be required before issuance of the record of decision and before issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicant(s) shall obtain water quality certification for the project. Any measures required as part of the issuance of water quality certification shall be implemented.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., Caltrans, El Dorado and/or Sacramento Counties).

b.i. Potential Significant Impact:

- **3B.8-1: Accidental Spill from Routine Transport, Use, or Disposal of Hazardous Materials.** Accidental spills of hazardous materials could result during routine transport, use, or disposal activities as part of the implementation of the Off-site Water Facility Alternatives.

b.ii. Facts in Support of Finding:

- **Mitigation Measure 3B.8-1a: Transport, Store, and Handle Construction-Related Hazardous Materials in Compliance with Relevant Regulations and Guidelines.** The City shall ensure, through the enforcement of contractual obligations, that all contractors transport, store, and handle construction-related hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by Caltrans, Central Valley Water Board,

local fire departments, and the County environmental health department.

Recommendations shall include as appropriate transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using applicable Federal, state and/or local regulatory agency protocols. In addition, all precautions required by the Central Valley Water Board issued NPDES construction activity stormwater permits shall be taken to ensure that no hazardous materials enter any nearby waterways.

In the event of a spill, the City shall ensure, through the enforcement of contractual obligations, that all contractors immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. If required by the local fire departments, the local environmental health department, or any other regulatory agency, contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

The storage, handling, and use of the construction-related hazardous materials shall be in accordance with applicable Federal, state, and local laws. Construction related hazardous materials and hazardous wastes (e.g., fuels and waste oils) shall be stored away from stream channels and steep banks to prevent these materials from entering surface waters in the event of an accidental release. These materials shall be kept at sufficient distance (at least 500 feet) from nearby residences or other sensitive land uses. This includes materials stored for expected use, materials in equipment and vehicles, and waste materials.

**Mitigation Measure 3B.8-1b: Prepare and Implement a Hazardous Materials Management Plan.** The City shall prepare a Hazardous Materials Management Plan (HMMP) for the proposed WTP. The HMMP shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to WTP operations, including waste materials. The plan shall include, but shall not be limited to, the following:

- a description of hazardous materials and hazardous wastes;
- a description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste;
- preparedness, prevention, contingency, and emergency procedures, including emergency contact information;
- A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility;

- Instructions on keeping Materials Safety and Data Sheets (MSDS) on-site for each on-site, hazardous chemical;
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank; and
- A description of equipment maintenance procedures.

The HMMP shall be made a condition of contractual obligation and shall be available for review by construction inspectors and implementation compliance shall be monitored.

c.i. Potential Significant Impact

- **Create a Significant Hazard to the Public or the Environment.** Construction of the Off-site Water Facilities could encounter one or more sites listed as containing hazardous materials or wastes and, as a result, could create a significant hazard to the public or the environment.

c.ii. Facts in Support of Finding:

- **Mitigation Measure 3B.8-5a: Conduct Phase 1 Environmental Site Assessment for Selected Alignment.** Prior to construction, the City shall conduct a Phase 1 Environmental Site Assessment according to American Society for Testing and Materials (ASTM) protocol for the selected conveyance pipeline alignment, pump station, well, and WTP site. If any hazardous materials or waste sites are identified during the Phase 1 Environmental Site Assessment, the City shall implement Mitigation Measure 3.8-5b.
- **Mitigation Measure 3B.8-5b: Develop and Implement a Remediation Plan.** If determined necessary to mitigate for potential hazards resulting from disturbance of existing contaminated areas, the extent of contamination from hazardous materials sites within or adjacent to the Off-site Water Facilities construction area shall be delineated during final design. Disturbance to contaminated areas during Off-site Water Facilities construction shall be avoided, or any work done within contaminated areas shall be undertaken in compliance with standards approved by the DTSC or Sacramento County Department of Environmental Health to ensure that hazardous materials will not be released as a result of the ground disturbance.

  Additionally, if unidentified contaminated soil or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the

contamination and properly dispose of the contaminated material.

d.i. Potential Significant Impact:

- **3A.9-1: Potential Temporary, Short-Term Construction-Related Drainage and Water Quality Effects**. Construction activities during project implementation would involve extensive grading and movement of earth, which would substantially alter onsite drainage patterns and could generate sediment, erosion, and other nonpoint source pollutants in on-site stormwater that could drain to off-site areas and degrade local water quality.

d.ii. Facts in Support of Finding:

- **Mitigation Measure 3A.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs.** Prior to the issuance of grading permits, the project applicant(s) of all projects disturbing one or more acres (including phased construction of smaller areas which are part of a larger project) shall obtain coverage under the State Water Board's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific SWPPP at the time the NOI is filed. The project applicant(s) shall also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to Sacramento County, City of Folsom, El Dorado County (for the off-site roadways into El Dorado Hills under the Proposed Project Alternative). The SWPPP and other appropriate plans shall identify and specify:
    - the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the local jurisdictions for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
    - the implementation of approved local plans, non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
    - the pollutants that are likely to be used during construction that could be present in stormwater drainage and non stormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
    - spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency

procedures for responding to spills;

- personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.
- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site.

e.i. Potential Significant Impact:

- **3A.9-3: Long-Term Water Quality and Hydrology Effects from Urban Runoff.** Project implementation would convert a large area of undeveloped land to residential and commercial uses, thereby changing the amount and timing of potential long-term pollutant discharges in stormwater and other urban runoff to Alder Creek, Buffalo Creek, Coyote Creek, Carson Creek, and other on- and off-site drainages.

e.ii. Facts in Support of Finding:

- **Mitigation Measure 3A.9-3: Develop and Implement a BMP and Water Quality Maintenance Plan.** Before approval of the final small-lot subdivision map grading permits for all project phases any development project requiring a subdivision map, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by

the project applicant(s) of all project phases the development project. Drafts of the plan shall be submitted to the City of Folsom and El Dorado County for the off-site roadway connections into El Dorado Hills, for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan shall include the elements described below:

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Predevelopment and post development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Folsom and including details regarding the size, geometry, and functional timing of storage and release pursuant to the '"Stormwater Quality Design Manual for Sacramento and South Placer Regions" ([SSQP 2007b] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46) and El Dorado County's NPDES SWMP (County of El Dorado 2004).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater.
- New stormwater facilities shall be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations shall be quantified based on the runoff reduction credit system methodology described in "Stormwater Quality

Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4" (SSQP 2007b) and proposed detention basins and other water quality BMPs shall be sized to handle these runoff volumes.

f.i. Potential Significant Impact:

- **3B.9-3: Alteration of Drainage Patterns Resulting in Off-site Flooding and/or Erosion.** The Off-site Water Facilities could result in the alteration of existing drainage patterns thereby increasing the rate or amount of surface runoff in a manner that could result in substantial flooding and/or erosion or siltation on- or off-site.

f.ii. Facts in Support of Finding:

- **Mitigation Measure 3B.9-3a: Prepare and Implement Drainage Plan(s) for Structural Facilities.** The City shall prepare a Drainage Plan for the selected Off-site Water Facility WTP and shall incorporate measures to maintain off-site runoff during peak conditions to pre-construction discharge levels. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities during and following construction. The City shall evaluate options for on-site detention including, but not limited to, providing temporary storage within a portion or portions of proposed paved areas, linear infiltration facilities along the site perimeter, and/or other on-site opportunities for detention, retention, and/or infiltration facilities. Design specifications for the detention, retention, and/or infiltration facilities shall provide sufficient storage capacity to accommodate the 10-year, 24-hour storm event. In addition, the Drainage Plan shall delineate the overland release path for flows generated by a 100-year frequency storm, so that structural pad elevations for buildings, containment facilities, storage tank, and container storage areas are placed a minimum of one foot above the property's highest frontage curb elevation. The Drainage Plan shall also provide sufficient attenuation of flows to ensure no net increase in off-site discharges to waterways that drain across the FSC via one or more drainage chutes (e.g., Buffalo Creek).
- **Mitigation Measure 3B.9-3b: Ensure the Provision of Sufficient Outlet Protection and On-site Containment.** Energy dissipaters, vegetated rip-rap, soil protection, and/or other appropriate BMPs shall be included within all storm-drain outlets to slow runoff velocities and prevent erosion at discharge locations for the WTP. A long-term maintenance plan shall be implemented for all drainage discharge control devices. The WTP layout shall also include sufficient on-site containment and pollution-control devises for drainage facilities to avoid the off-site release of water quality pollutants, oil and grease.

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, section 21081, subd. (a)(3); California Code of Regulations, title 14, section 15091, subd. (a)(3).)

*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.*

a.i. Significant Effects:

- **Loss and Degradation of Waters of the U.S., including Wetlands, and Waters of the State.** Project implementation would result in the placement of fill material into jurisdictional waters of the U.S., including wetlands subject to USACE jurisdiction under the Federal CWA. Wetlands and other waters of the U.S. that would be affected by project implementation include seeps, vernal pools, seasonal wetlands and seasonal wetland swales, seeps, drainage channels, ditches, and ponds. Waters of the state would also be filled with project implementation.

a.ii. Facts in Support of Finding:

- Implementation of Mitigation Measures 3A.3-1a and 3A.3-1b would reduce significant impacts on jurisdictional wetlands and other waters of the U.S. and waters of the state under the No USACE Permit, Proposed Project Alternative, Resource Impact Minimization, Centralized Development, and Reduced Hillside Development Alternatives, but not necessarily to a less-than-significant level. After a mitigation plan has been accepted by USACE and is implemented as required (including on-site preservation and purchase of credits at a mitigation bank and/or in-lieu fee mitigation), the direct impacts resulting from project implementation could be mitigated by providing “no net loss” of overall wetland acreage resulting from the project, as required in USACE permit conditions. However, USACE requires mitigation resulting in no net loss of wetland functions. Removal of 45.35 acres (39.5 acres on site and 5.85 acres off-site) of waters of the U.S., including stream channels, vernal pools, and other similar wetland habitats is a substantial loss, especially when considered in the context of the regional rate and acreage of habitat losses. Creating compensatory wetlands cannot be guaranteed to fully replace the functions of wetlands lost and temporal losses would occur unless all impacts could be mitigated through purchase of fully functioning, established, in-kind wetlands from an approved mitigation bank. It is unknown at this time if mitigation credits are available to fully cover the loss of wetland functions resulting from project implementation. Creation and preservation of wetlands within smaller and more

fragmented areas surrounded by urban development cannot fully compensate for the whole suite of ecological services provided by larger expanses of interconnected wetland complexes surrounded by open space. Also, if compensatory wetland mitigation could not be provided in the same watershed an overall loss of function up to the subbasin level could result.

Considering the rate of development in Sacramento County and the limited amount of undeveloped, unspoken for land that supports existing wetlands that could be preserved, or that is suitable for creation of compensatory aquatic habitats similar to those that would be removed by project implementation, it may not be possible to fully mitigate the loss of habitat functions provided by the nearly 45 acres of aquatic habitats that would be lost as a result of the Proposed Project. Furthermore, indirect impacts would remain significant and unavoidable for the Proposed Project Alternative because:

- the amount of habitat loss and degradation is extensive and contributes significantly to the loss of this habitat type in the region,
- micro watersheds of aquatic resources retained on the site would not be preserved,
- wetland buffers from construction impacts would only be 25 feet in some cases and not more than 75 feet in many others,
- nearly 50% of the aquatic resources in the SPA would be filled, and
- the magnitude of topographic modification that would occur across the site with project implementation is severe.

All of these factors are likely to substantially diminish the water quality, hydrologic, and habitat functions of all wetlands remaining on site and downstream in the project vicinity. Therefore, direct and indirect impacts would remain significant and unavoidable for the Proposed Project, Resource Impact Minimization, Centralized Development, and Reduced Hillside Development Alternatives. Under the No USACE Permit Alternative, there would be no direct impacts, but indirect impacts would remain significant and unavoidable. In addition, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation.

**D. Statement of Overriding Considerations**

The City of Folsom'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 the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subd (b); California Code of Regulations, title 14, section 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Folsom Plan Area Specific Plan are disclosed in the City of Folsom's FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water resources are discussed in subsection C above.

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 resources and finds that the specific economic, legal, social, and technological benefits of implementing the Project outweigh the significant and unavoidable impacts to water resources.

## E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Folsom and has reached its own conclusion to approve this Project. 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.)

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## Attachment D – Reports and Notification Requirements

### I. Copies of this form

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

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

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

### II. Report Submittal Instructions

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

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

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

**C.** Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.Savino@waterboards.ca.gov.
- Include in the subject line of the email:
  ATTN: Nicholas Savino; Project Name; and WDID No. 5A34CR00934.

## III. Definition of Reporting Terms

### A. Active Discharge Period:

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

### B. Request for Notice of Completion of Discharges Letter:

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

### C. Request for Notice of Project Complete Letter:

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

### D. Post-Discharge Monitoring Period:

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

### E. Effective Date:

17 March 2026

## 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:** Javanifard and Zarghami Project

**Permittee:** Alder Creek West Improvement Company, LLC.

**WDID:** 5A34CR00934

**Reg. Meas. ID:** 463694

**Place ID:** 904065

**Order Effective Date:** 17 March 2026

**Order Expiration Date:** 16 March 2031

## VI. Report Type Submitted

### A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report

Report Type 2 ☐ Annual Report – NOT APPLICABLE

### 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."

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

| **Signature** | **Date** |
|---|---|

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

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

| **Permittee's Signature** | **Date** |
|---|---|

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

## A. Part A – Project Reporting

### 1. Report Type 1 - Monthly Report

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

**b. When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

**c. Report Contents** -

i. Construction Summary

Describe 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 – NOT APPLICABLE

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

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

**3. Report Type 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

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 working days prior to the transfer of ownership.

**c. Report Contents** -

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

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

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

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

**6. Report Type 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 working days prior to the transfer of BMP maintenance responsibility.

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

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## Attachment E – Signatory Requirements

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

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

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

**B.** A duly authorized representative of a person designated in items A.1 through A.3 above may sign documents if:

1. The authorization is made in writing by a person described in items A.1 through A.3 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 A above.

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

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

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## Attachment F – Certification Deviation Procedures

### I. Introduction

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

#### C. Certification Deviation Request:

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

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

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

**D. Post-Discharge Certification Deviation Reporting:**

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

**E. Annual Summary Deviation Report:**

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

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

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

### I. General Justification for Section XIV Conditions

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

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

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

(a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

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

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

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

## II. Specific Justification for Section XIV Conditions

### A. Authorization

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

### B. Reporting and Notification Requirements

#### 1. Project Reporting

#### 2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

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

**3. Conditional Notifications and Reports**

**a. Accidental Discharges of Hazardous Materials**

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

**b. Violation of Compliance with Water Quality Standards**

**c. In-Water work and Diversions**

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

**d. Modifications to Project**

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

**e. Transfer of Property Ownership**

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

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

## C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board’s authority to investigate the

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

**D. Standard**

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

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

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

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

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

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

**E. General Compliance**

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

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

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

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board's Basin Plan. The Basin Plan's water quality

standards consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

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

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

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

   Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

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

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

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

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

7. **Construction General Permit Requirement**

   Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

## F. Administrative

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

The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

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

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

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

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

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

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees’ agents are unaware of applicable requirements. These

conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

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

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

**6. Lake or Streambed Alteration Agreement**

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

## G. Construction

### 1. Dewatering

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

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

operation, maintenance, or other actions associated with the activity.

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

2. **Directional Drilling b** – NOT APPLICABLE

3. **Dredging** – NOT APPLICABLE

4. **Fugitive Dust**

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

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

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

**6. Hazardous Materials**

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

**7. Invasive Species and Soil Borne Pathogens**

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

**8. Post-Construction Storm Water Management**

Conditions related to post-construction stormwater management are required to comply with the Basin Plan and to assure that the discharge complies with applicable water quality objectives. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the conditions will assure compliance with water quality objectives including for floating material, sediment, turbidity, temperature, suspended material, and settleable material. (Basin Plan, Sections 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

**9. Roads**

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19,

3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

**10. Sediment Control**

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

**11. Special Status Species**

See F.2 above.

**12. Stabilization/Erosion Control**

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

**13. Storm Water**

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

degradation of waters or violate water quality standards.

**H. Site Specific** – NOT APPLICABLE

**I. Total Maximum Daily Load (TMDL)**

Total Maximum Daily Loads (TMDLs) are action plans to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

**J. Mitigation for Temporary Impacts**

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

**K. Compensatory Mitigation for Permanent Impacts**

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

Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

**L. Certification Deviation**

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

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

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