23 December 2020

Jason Vivian, Project Engineer
County of Tulare Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION, COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY, ROAD D112 AT BATES SLOUGH BRIDGE REPLACEMENT PROJECT (WDID#5C54CR00116), TULARE COUNTY

This Order responds to the 2 October 2020 application submitted by County of Tulare Resource Management Agency (Applicant) for the Water Quality Certification of the Road D112 at Bates Slough Bridge Replacement Project (Project), permanently impacting 0.03 acre/30 linear feet of waters of the United States.

This Order serves as certification of the Project permitted by United States Army Corps of Engineers' Nationwide Permit #14 under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Regional Water Quality Control Board (Central Valley Water Board).

2. This Order serves as an action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.

3. This Certification action is not intended and shall not be construed to apply to any discharge from 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 Section

3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.

5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.

   a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

   b) For a partnership or sole proprietorship: by a general partner or the proprietor.

   c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 6 shall make the following certification:

   “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States and/or waters of the state.

2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling:

   a) when performing any in-water work;

   b) in the event that Project activities result in any materials reaching surface waters; or

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

   The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

Table 1: Sample Type and Frequency Requirements

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab (see 1 below)	Every 4 hours during in-water work	(see 2, 3 below)

1. Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
2. 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.
3. A hand-held field meter may be used, provided the meter utilizes a USEPA-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.

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Visible construction related pollutants (see 4 below)	Observations	Visual Inspections	Continuous throughout the construction period	Not Applicable
pH (see 5 below)	Standard Units	Grab (see 1 below)	Every 4 hours during in-water work	(see 2, 3 below)

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant 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 Certification 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 below.

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

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Tulare Lake Basin*, Fifth Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

   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:

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4. Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
5. Sampling to be conducted if wet concrete comes into contact with surface water.

i. where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases exceeding 1 NTU;

ii. where natural turbidity is between 5 and 50 NTUs, increases exceeding 20 percent;

iii. where natural turbidity is between 50 and 100 NTUs, increases exceeding 10 NTUs;

iv. where natural turbidity is greater than 100 NTUs, increases exceeding 10 percent.

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.

c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.3 in surface water.

6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, pH, or other water quality objectives are exceeded.

7. In-water work shall occur during periods of no precipitation when the work area is naturally dry.

8. Activities shall not cause visible oil, grease, or foam in the receiving water.

9. 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 Applicant 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.

10. The Applicant 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.

11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities,

shall be prevented from contaminating the soil and/or entering waters of the United States and/or waters of the state.

12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.

13. 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 United States and/or waters of the state through the entire duration of the Project.

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

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

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

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

18. The Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

19. The Conditions in this Certification are based on the information in the attached “Project Information Sheet” and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

20. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

    a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or

falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

21. To mitigate for the loss of 0.03 acre(s) of wetland, the Applicant shall purchase a minimum of 0.03 aquatic resource credits from a United States Army Corps of Engineers approved mitigation bank or in lieu fee program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state.

22. All temporary affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

NOTIFICATIONS AND REPORTS:

23. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

24. The Applicant shall 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: centralvalleyfresno@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in

the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Brandon Salazar
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706
brandon.salazar@waterboards.ca.gov
559-445-6278

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, Title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, section 15302 Replacement or Reconstruction.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, Title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., Title 14, section 15062.)

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the County of Tulare Resource Management Agency, Road D112 at Bates Slough Bridge Replacement Project (WDID#5C54CR00116) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ “Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs).”

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, County of Tulare Resource Management Agency’s application package, and the attached Project

Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Tulare Lake Basin*, Third Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the State Water Resources Control Board's Water Quality Petitions webpage (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original Signed by Clay L. Rodgers for:
Patrick Pulupa
Executive Officer

Attachments: Project Information Sheet
Project Figures

cc: Distribution List, page 10

DISTRIBUTION LIST

United States Army Corps of Engineers (Electronic Copy Only)
Sacramento District Headquarters
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

Sam Ziegler (Electronic Copy Only)
United States Environmental Protection Agency
Ziegler.Sam@epa.gov

Department of Fish and Wildlife, Region 4 (Electronic Copy Only)
R4LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Jennifer Johnson (Electronic Copy Only)
GPA Consulting
jennifer@gpaconsulting-us.com

PROJECT INFORMATION SHEET

Application Date: 2 October 2020

Applicant: Jason Vivian, Project Engineer
County of Tulare Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Applicant Representative: Jennifer Johnson
617 S. Olive St., Ste. 910
Los Angeles, CA 90014
jennifer@gpaconsulting-us.com

Project Name: Road D112 at Bates Slough Bridge Replacement Project

Application Number: WDID# 5C54CR00116

Date on Public Notice: 20 November 2020

Date All Information Received: 2 October 2020

Date Application Deemed Complete: 2 November 2020

Type of Project: Transportation

Project Location: Section 15, Township 4 South, Range 18 East, MDB&M.
Latitude: 36.14462° and Longitude: -119.33437°

County: Tulare

Anticipated Construction Date: September 2021

Estimated Construction Duration: 6 months

Receiving Water(s) (hydrologic unit): Bates Slough, Tulare Lake Hydrologic Basin, South Valley Floor Hydrologic Unit #558.10, Kaweah-Delta HA

Water Body Type: Wetland

Designated Beneficial Uses: The *Water Quality Control Plan for the Tulare Lake Basin*, Third Edition, revised May 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water

Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found on the Central Valley Water Board's Basin Planning webpage (http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

303(d) List of Water Quality Limited Segments: Not applicable

Project Description: The purpose of the project is to replace the existing bridge to correct structural deficiencies and improve safety for the traveling public. The proposed bridge structure would include a 2-cell grade-top box culvert with 14-foot wide openings. The project would include replacement of the existing bridge in-kind along the existing roadway alignment in accordance with 2018 Caltrans Standards. The proposed bridge replacement would include a 12-foot lane and 4-foot shoulder in each direction and would be approximately 31 feet long.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and pH.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion.

This Certification requires all work to be conducted during periods of no flow.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts. 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.

Excavation/Fill Area: Approximately 171 cubic yards of native rock will be placed into 0.03 acre/30 linear feet of waters of the United States. The Project will temporarily impact 0.02 acre/51 linear feet of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data:

Table 1: Total Project Fill/Excavation Permanent Physical Loss of Area Impact Quantity

Aquatic Resource Type	Acres	Cubic Yards	Linear Feet
Wetland	0.03	171	30

Table 2: Total Project Fill/Excavation Temporary Impact Quantity

Aquatic Resource Type	Acres	Linear Feet
Wetland	0.02	51

United States Army Corps of Engineers File Number: SPK-2019-0037

United States Army Corps of Engineers Permit Type: Nationwide Permit #14

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: The Applicant applied for a Lake or Streambed Alteration Agreement on 28 September 2020.

Possible Listed Species: None

Status of CEQA Compliance: The Central Valley Water Board has determined that this project meets the Categorical Exemption, under Section 15302 of the California Code of Regulations, which exempts replacement or reconstruction of existing facilities.

Compensatory Mitigation: To mitigate for the loss of 0.03 acre of wetland, the Applicant shall purchase a minimum of 0.03 mitigation credits from a United States Army Corps of Engineers approved mitigation bank or in lieu fee program for the impacted watershed prior to commencing construction.

Application Fee Provided: $1,993.83 ($1,949 dredge/fill fee and $44.83 service fee) was received on 16 September 2020. 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

Figure 1 – Project Vicinity Map

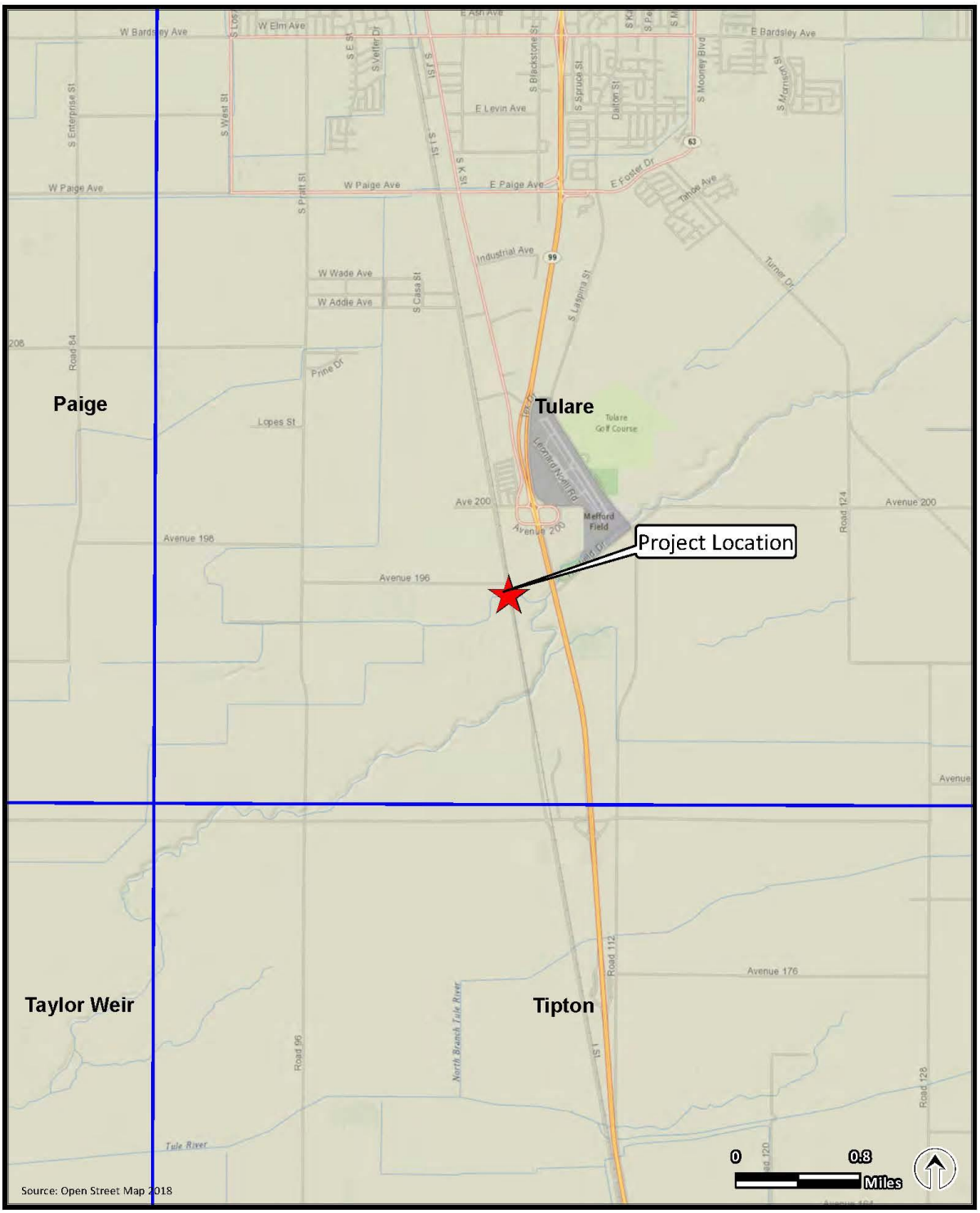

Figure 2-- Project Location Map

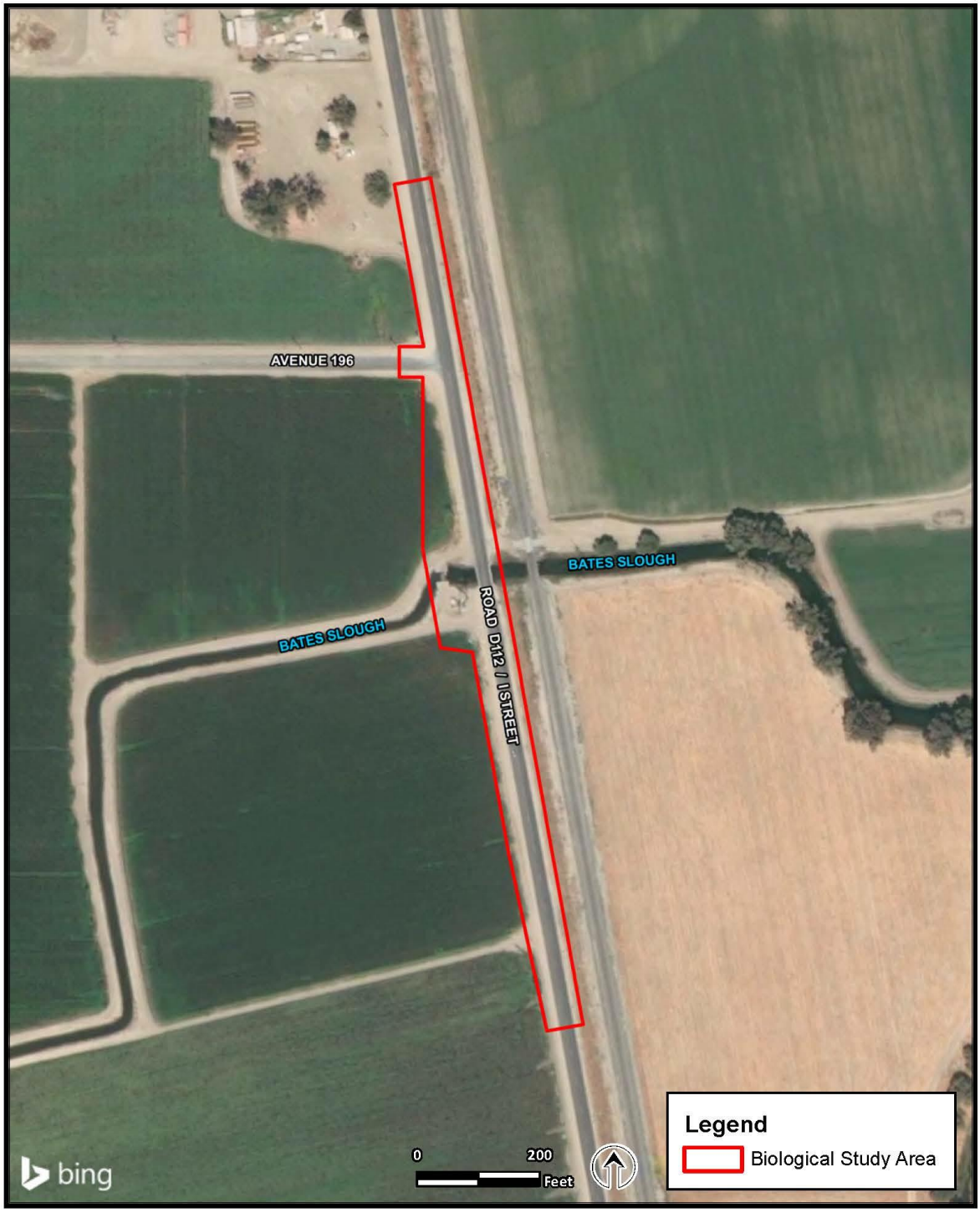

Figure 3-- Impact Map