

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

In the Matter of Water Quality Certification for

**CITY OF MONTEREY'S
LAKE EL ESTERO DIVERSION PROJECT**

Source: Lake El Estero

County: Monterey

**WATER QUALITY CERTIFICATION
FOR FEDERAL PERMIT OR LICENSE**

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Abbreviations

<i>Addendum</i>	<i>Addendum to the Pure Water Monterey Groundwater Replenishment Project Environmental Impact Report for the Lake El Estero Diversion Project</i>
<i>Antidegradation Policy</i>	<i>Statement of Policy with Respect to Maintaining High Quality Waters in California</i>
<i>BMPs</i>	<i>best management practices</i>
<i>BT</i>	<i>Biological Terrestrial</i>
<i>CDFW</i>	<i>California Department of Fish and Wildlife</i>
<i>Central Coast Basin Plan</i>	<i>Central Coast Regional Water Board Water Quality Control Plan for the Central Coast Basin</i>
<i>Central Coast Regional Water Board</i>	<i>Central Coast Regional Water Quality Control Board</i>
<i>CEQA</i>	<i>California Environmental Quality Act</i>
<i>certification</i>	<i>water quality certification</i>
<i>Construction General Permit</i>	<i>National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities</i>
<i>Deputy Director</i>	<i>Deputy Director of the Division of Water Rights</i>
<i>Dredge or Fill Procedures</i>	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
<i>EIR</i>	<i>Environmental Impact Report</i>
<i>ESA</i>	<i>Endangered Species Act</i>
<i>Executive Officer</i>	<i>Executive Officer of the Central Coast Regional Water Quality Control Board</i>
<i>HH</i>	<i>Hazards and Hazardous Materials</i>
<i>Monterey</i>	<i>City of Monterey</i>
<i>MMRP</i>	<i>Mitigation Monitoring and Reporting Program</i>
<i>NPDES</i>	<i>National Pollutant Discharge Elimination System</i>
<i>NTU</i>	<i>Nephelometric Turbidity Unit</i>
<i>Permittee</i>	<i>City of Monterey</i>
<i>Project</i>	<i>Lake El Estero Diversion Project</i>
<i>Pure Water Project</i>	<i>Pure Water Monterey Ground Water Replenishment Project</i>
<i>Regional Water Boards</i>	<i>Regional Water Quality Control Boards</i>
<i>State Water Board</i>	<i>State Water Resources Control Board</i>
<i>USACE</i>	<i>United States Army Corps of Engineers</i>
<i>USEPA</i>	<i>United States Environmental Protection Agency</i>
<i>Water Boards</i>	<i>State Water Resources Control Board and Regional Water Quality Control Boards, collectively</i>
<i>WDR</i>	<i>waste discharge requirement</i>

1.0 Project Description

The City of Monterey (Monterey or Permittee) maintains Lake El Estero for stormwater/dry weather runoff capture and as an aesthetic and recreational feature of the Lake El Estero Municipal Park, located within Monterey (see Figure 1: Lake El Estero Project Boundaries). Under current operations, when Lake El Estero's storage capacity (approximately 90 acre-feet) is exceeded, untreated overflow is discharged to Del Monte Beach and into Monterey Bay.

To increase regional water supplies, Monterey One Water and Monterey Peninsula Water Management District are implementing the Pure Water Monterey Groundwater Replenishment Project (Pure Water Project), which creates reliable sources of drinking water and agricultural irrigation supply from purified recycled water. Water supplies proposed to be recycled and reused by the Pure Water Project include municipal wastewater, industrial wastewater, urban stormwater runoff, and surface water diversions.

Monterey proposes the Lake El Estero Diversion Project (Project) to provide up to 209 acre-feet per year of water to the Pure Water Project by diverting Lake El Estero overflow to Monterey's municipal sanitary sewer system for subsequent treatment and reuse. The Project involves the construction of a new gravity intake system that includes a new headwall, screened intake pipe, and new discharge pipeline connecting to the municipal sanitary sewer.

As part of the Project, Monterey is proposing to: (1) remove a section of the existing retaining wall that forms Lake El Estero and install a temporary inflatable bladder cofferdam to dewater an approximately 10-foot long section of the Lake El Estero shoreline, extending approximately five feet inland from the shoreline (Figure 1: Lake El Estero Project Boundaries); (2) excavate a trench, approximately 65-foot-long by 10-foot-deep, from the dewatered shoreline to the existing sewer line; (3) install a new gravity flow diversion intake frame, headwall, channel, and screened 12-inch diameter intake pipe that will divert untreated stormwater from the shoreline to the sewer line for subsequent treatment and reuse; (4) install a new retaining wall comprised of cast-in-place concrete; and (5) return the Project area to existing conditions.

The Project is anticipated to result in approximately 0.01 acres of temporary impacts and no permanent impacts to waters of the state. The Project will take place entirely within previously disturbed areas and is anticipated to take approximately three months to complete. The State Water Resource Control Board (State Water Board) issued water right permit No. 21481 for the Project on February 11, 2026 (See Table A: Project Water Rights).

Project implementation requires coverage under the United States Army Corps of Engineers (USACE) Nationwide Permit 18 (Minor Discharges). Pursuant to section 401 of the Clean Water Act, a water quality certification (certification) is required as part of the USACE permitting process.

2.0 Water Rights

[Table A](#) below lists the water right related to the Project.

Table A. Project Water Rights

Application ID/ Permit ID (Priority Date)	Source	Purpose of Use	Diversion and Storage Details	Places of Use
A033508/21481 (7/18/2025)	Lake El Estero	Municipal	Point of direct diversion at Lake El Estero	Municipal Water Facilities

* Information is from the California Water Accounting, Tracking, and Reporting System (CalWATRS).

3.0 Regulatory Authority

3.1. Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251-1388) was enacted “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” (33 U.S.C. § 1251(a).) The Clean Water Act recognizes, preserves, and protects “the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources. . . .” (33 U.S.C. § 1251(b).) In addition, section 101 of the Clean Water Act requires federal agencies to “co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.” (33 U.S.C. § 1251(g).)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit to conduct any activity which may result in a discharge into waters of the United States to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations, monitoring requirements, and other conditions necessary to ensure the project will comply with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. §1341(d).) These certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*)

The State Water Board is the state agency responsible for Clean Water Act section 401 certification in California. (Wat. Code, § 13160.) The State Water Board has delegated authority to act on applications for certification to the Executive Director of the State Water Board. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 provides that the State Water Board may “establish monitoring, inspection, entry, reporting, and recordkeeping requirements” and obtain “other information as may be reasonably required” for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution No. 2012-0029. (State Water Board 2012.) In the *Redelegation of Authorities* memorandum issued by the Deputy Director on April 20, 2023, this authority is redelegated to the Assistant Deputy Director of the Division of Water Rights. (State Water Board 2023a.)

3.2. Procedure, Application, and Noticing

On October 29, 2025, Monterey filed a certification application with the State Water Board under section 401 of the Clean Water Act.¹ On November 24, 2025, State Water Board staff provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Project on the State Water Board’s website. No comments were received in response to that notice.

On March 17, 2026, State Water Board staff shared the certification application with the Central Coast Regional Water Quality Control Board (Central Coast Regional Water Board). (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).) No comments were received. Additionally, on September 29, 2026, State Water Board staff shared a draft certification with the Central Coast Regional Water Board. On September 30, 2026, the Central Coast Regional Water Board responded recommending clarifying language to certification conditions pertaining to concrete work and erosion control measures. State Water Board staff considered and incorporated the Central Coast Regional Water Board’s comments into this certification as appropriate.

3.3. Water Quality Control Plans and Related Authorities

The State Water Board’s certification for the Project must ensure compliance with applicable water quality standards in the Central Coast Regional Water Board’s *Water Quality Control Plan for the Central Coast Basin* ([Central Coast Basin Plan](#)) (Central Coast Regional Water Board 2024) and any amendments thereto.

Water quality control plans designate the beneficial uses of water to be protected (such as municipal and domestic supply, industrial, agriculture, and fish and wildlife), water quality objectives for the reasonable protection of the beneficial uses and the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050, subds. (h), (j).) The beneficial uses, together with the water quality objectives contained in the water quality control plans and applicable state and federal antidegradation requirements, constitute California’s water quality standards for purposes of the Clean Water Act. In issuing certification for a project, the State

¹ Supplemented via email on March 19, 2026 and June 24, 2026 to include details regarding Project construction.

Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The nine California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, § 13240 et seq.) The State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt the plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act. (33 U.S.C. § 1313.)

3.4. Central Coast Basin Plan

The Central Coast Regional Water Board adopted, and the State Water Board and USEPA approved, the Central Coast Basin Plan. The Central Coast Basin Plan designates beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Central Coast Basin Plan identifies existing beneficial uses for Lake El Estero as: municipal and domestic supply; groundwater recharge; water contact recreation; non-contact water recreation; wildlife habitat; fresh cold water habitat; fresh warm water habitat; spawning, reproduction and/or early development; and commercial and sport fishing.

3.5. Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* ([Antidegradation Policy](#))² (State Water Board 1968.) 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 impact 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 state Antidegradation Policy incorporates the federal Antidegradation Policy, which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (40 C.F.R. § 131.12(a)(1).)

² State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf.

3.6. Construction General Permit

Coverage under the State Water Board's *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* ([Construction General Permit](#))³ (State Water Board 2022.) is required for activities that disturb one or more acres of soil, or that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Coverage is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.).

3.7. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State

The *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* ([Dredge or Fill Procedures](#))⁴ (State Water Board 2019 and 2021)⁵ provides California's definition of wetland, wetland delineation procedures, and procedures for submitting applications for activities that could result in discharges of dredged or fill material to waters of the state. The Dredge or Fill Procedures ensure that State Water Board regulatory activities will result in no net loss of wetland quantity, quality, or permanence, consistent with Water Code sections 16200-16201. Monterey must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

3.8. Clean Water Act Section 303(d)

The *2024 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report)* (State Water Board 2024.) was partially approved and partially disapproved by USEPA on December 13, 2024. Section 303(d) of the Clean Water Act requires total maximum daily loads to be developed for impaired waterbodies. Total maximum daily loads are control programs that define the maximum amount of a pollutant that a waterbody can receive without exceeding water quality standards and establish waste load allocations and load allocations for point and nonpoint sources of pollution,

³ State Water Board Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html.

⁴ The Dredge or Fill Procedures and any amendments thereto are available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html.

⁵ The Dredge or Fill Procedures were adopted pursuant to Resolution No. 2019-0015 and revised by Resolution No. 2021-0012.

respectively. The 2024 Integrated Report does not identify any impairments for Lake El Estero.

4.0 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, § 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. For the Project, Monterey One Water⁶ is the lead agency for the purposes of CEQA and the CEQA Guidelines. (Pub. Resources Code, § 21000 et seq; Cal. Code Regs., tit. 14, § 15000 et seq.). The State Water Board is a responsible agency under CEQA.

On October 8, 2015, Monterey One Water certified the *Pure Water Monterey Groundwater Replenishment Project Final Environmental Impact Report* (EIR)⁷. (Monterey One Water 2015.) Additionally, on June 26, 2025, Monterey released an *Addendum to the Pure Water Monterey Groundwater Replenishment Project Environmental Impact Report for the Lake El Estero Water Diversion Project* (Addendum) (Monterey, 2025.) that included the environmental analysis for the Project. On July 15, 2025, the City Council of Monterey adopted the Addendum and on July 18, 2025, Monterey filed a Notice of Determination for the Addendum with the State Clearinghouse. The Addendum and Notice of Determination state that the Project will have no significant environmental impacts.

The State Water Board has reviewed and considered the final EIR and Addendum prepared by Monterey One Water and Monterey, respectively, during the development of this certification. As a responsible agency under CEQA for the Project, the State Water Board must make findings that address significant effects identified in the EIR to those resource areas over which the State Water Board has statutory authority. Attachment B: California Environmental Quality Act Findings and Mitigation Monitoring and Reporting Plan provides CEQA findings that address potentially significant effects and mitigation measures that Monterey will implement to ensure that any potential impacts of the Project to water resources are less-than-significant. Monterey's Addendum analyzing environmental effects of the Project did not identify any significant and unavoidable impacts to water resources. The State Water Board will file a Notice of Determination within five working days of issuing the Project certification.

Table B identifies resource areas in the State Water Board's purview for which the EIR and/or Addendum identifies mitigation measures for potential impacts, and associated certification conditions with water quality protection, monitoring, or reporting requirements.

⁶ Monterey One Water is a joint powers authority between 11 organizations including the Monterey.

⁷ State Clearinghouse Number 2013051094.

Table B. Mitigation Measures and Corresponding Certification Conditions

Mitigation Measure	Applicable Certification Condition(s)
Biological Terrestrial (BT)-1a: Implement Construction Best Management Practices	Condition 1 Project Activities Condition 5: Biological Resource, Aquatic Habitat, and Wetland Protections
Hazards and Hazardous Materials (HH)- 2a: Environmental Site Assessment	Condition 1 Project Activities Condition 3 Erosion Sediment and Hazardous Materials Control Measures Condition 6: Completion Report
HH-2c: Materials and Dewatering Disposal Plan	Condition 1 Project Activities Condition 2 Dewatering and Water Quality Protection

5.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 7.0 are necessary to ensure that the Project will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 3.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 7.0.

As explained in this section, the conditions in this certification are generally required pursuant to the Central Coast Basin Plan and other applicable plans and policies adopted by the Water Boards, as described in Section 3.0, Regulatory Authority.

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements.

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

As noted in Section 3.1 of this certification, Clean Water Act section 401(d) authorizes state agencies responsible for certification to require monitoring to ensure the project will comply with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. § 1341(d).) Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 13165 authorizes the State Water Board to require a state or local agency to investigate and report on technical factors involved in water quality control, 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. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for the Project activities that may impact waters of the state.

The State Water Board has broad authority to prevent waste and unreasonable use pursuant to article X, section 2 of the California Constitution and Water Code sections 100 and 275. In addition, the State Water Board has both the authority and the duty to protect public trust uses whenever feasible under the public trust doctrine. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 446.) Under California's public trust doctrine, public trust uses include, but are not limited to, navigation, fishing, recreation, environmental values, and fish and wildlife habitat. (*Id.* at pp. 434-435.)

Authorization under this certification is granted based on the application submitted. An applicant 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), a 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. (See also *State Water 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](#).)

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 3.0 are not duplicated in this section. The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in applicable water quality control plans, and other appropriate requirements of state law. The conditions in Section 7.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements and other appropriate requirements of state law. When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- Monterey's October 29, 2025 Project certification application, as supplemented via email on March 19, 2026, and June 24, 2026. (Monterey 2025a, 2026a, and 2026b.)

- Monterey One Water's January 2015 *Environmental Impact Report for the Pure Water Monterey Groundwater Replenishment Project*. (Monterey One Water 2015.)
- Monterey's June 2025 *Addendum to the 2015 EIR for the Lake El Estero Water Diversion Project*. (Monterey 2025b.)
- Beneficial uses, water quality objectives, and implementation measures and programs described in the Central Coast Basin Plan.
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Dredge or Fill Procedures).
- Project-related controllable factors (e.g., discharges associated with Project construction).
- Other information in the record.

This certification is issued in conformance with the final Clean Water Act Section 401 Water Quality Certification Improvement Rule (88 Fed.Reg. 66558 (Sept. 27, 2023) [amending 40 C.F.R. parts 121, 122, and 124]) that went into effect on November 27, 2023 (2023 Rule), but as it pertains to documentation of conditions also generally complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed.Reg. 42210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023. Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license “may result in any discharge into the navigable waters,” the applicant is required to obtain a certification that states the activity will comply with applicable water quality standards and that also sets forth any “limitations” and “monitoring requirements” necessary to assure that the “applicant” will comply with water quality standards, other provisions of the Clean Water Act, and “with any other appropriate requirement of State law.” (33 U.S.C. § 1341(a) & (d).) Certification is required for such activity as a whole, not merely for its point source discharges to waters of the United States. (*PUD No. 1, supra*, 511 U.S. at pp. 711- 712.) As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

Deputy Director approval of modifications to plans required by certification conditions allows the State Water Board to exercise its authority granted by the Clean Water Act to protect water quality at an appropriate time in the future. Section 401 anticipates that certifications will not only set limits on operations but will also monitor operations on an ongoing basis. (33 U.S.C. § 1341 (d).) Activities not included in the certification application and management plans that have not yet been created or submitted to the State Water Board cannot be specifically conditioned at the time of certification issuance. Ensuring flexibility for adaptive management via delegation of authority to the Deputy Director in these situations is necessary to ensure the project is operated in a manner that is protective of water quality.

5.1. Rationale for Condition 1: Project Activities

As described in Section 5.0, this certification is granted based on the application and supporting information submitted, in accordance with the State Water Board's regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 1 requires Monterey to implement the Project as described in its October 29, 2025 certification application (Monterey 2025a.), including mitigation measures identified in the Addendum (Monterey 2025b.) and the certification application (Mitigation Measure HH-2a: Environmental Site Assessment, Mitigation Measure HH-2c: Materials and Dewatering Disposal Plan, Mitigation Measure BT-1a: Implement Construction Best Management Practices), as supplemented in emails on March 19, 2026, and June 24, 2026 (Monterey 2026a, 2026b.), and as modified by the conditions of this certification.

Condition 1 will help ensure that the Project is implemented in a manner that protects water quality and avoids unreasonable impacts to beneficial uses. Any changes to the Project description that are inconsistent with the Project application and additional documents Monterey provided to the State Water Board prior to certification issuance could impact the findings, conclusions, and conditions of the certification and may necessitate the filing of a new application as well as trigger additional environmental review. Additionally, Condition 1 requires Monterey to comply with all requirements of its water right permit 21481.

5.2. Rationale for Condition 2: Water Quality Monitoring

The Project involves construction of a new intake and related features that involve dewatering, excavation, and grading. Such activities could result in impacts to Lake El Estero water quality and beneficial uses and this certification requires Monterey to monitor temperature, pH, turbidity, dissolved oxygen, and visual pollutants (e.g., oils, greases, fuels, and turbidity plumes). Water quality objectives prescribed in Condition 2 are established by the Central Coast Basin Plan. Monitoring requirements are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 1051, 13165, 13267, and 13383.

These monitoring requirements are necessary to ensure that Project construction and associated discharges do not substantially impact water quality. Beneficial uses of Lake El Estero that may be impacted by Project construction include: municipal and domestic supply; groundwater recharge; water contact recreation; non-contact water recreation; wildlife habitat; cold freshwater habitat; warm freshwater habitat; spawning, reproduction and/or early development; and commercial and sport fishing.

5.3. Rationale for Condition 3: Erosion and Sediment Control Measures

Erosion and sedimentation can contribute to degradation of waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Project activities that have the

potential to cause erosion and increased turbidity in Lake El Estero include but are not limited to stockpiling, fill and excavation work, and other ground disturbing activities. Increases in erosion and sediment transport can result in exceedances of water quality objectives (e.g., turbidity, visible contaminants) and impacts to beneficial uses. Condition 3 requires Monterey to implement measures to protect water quality associated with Project activities with the potential to cause erosion or result in sediment discharges.

Existing beneficial uses for Lake El Estero that may be impacted by erosion or sediment discharges associated with the Project include: municipal and domestic supply; water contact recreation; non-contact water recreation; wildlife habitat; fresh cold water habitat; fresh warm water habitat; spawning, reproduction and/or early development; and commercial and sport fishing.

5.4. Rationale for Condition 4: Hazardous Materials Management

The Project involves construction using heavy equipment that will require refueling and servicing. Site management requires implementation of best management practices (BMPs) to prevent, minimize, and/or clean up construction spills, including from construction equipment. Fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to surface water in violation of water quality standards, including the toxicity and floating material water quality objectives. Secondary containment around hazardous materials storage sites helps ensure that any leaks or spills of hazardous materials do not result in a discharge to waterbodies. Condition 4 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The Central Coast Basin Plan establishes water quality objectives necessary to protect beneficial uses and prevent nuisance. The Central Coast Basin Plan includes narrative water quality objectives for oil, grease, and similar materials: "Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or otherwise adversely affect beneficial uses." (Central Coast Regional Water Board 2024.)

Condition 4 requires implementation of hazardous materials management measures to prevent hazardous material spills into waterways, including containment criteria pursuant to California Code of Regulations, title 27, section 20320. Condition 4 also requires Monterey to monitor for and report any discharges that might violate water quality objectives. This is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Existing beneficial uses for Lake El Estero that may be impacted by hazardous material discharges associated with the Project include: municipal and domestic supply; groundwater recharge; water contact recreation; non-contact water recreation; wildlife

habitat; fresh cold water habitat; fresh warm water habitat; spawning, reproduction and/or early development; and commercial and sport fishing.

5.5. Rational for Condition 5: Biological Resource, Aquatic Habitat, and Wetland Protections

Project activities such as excavation, installation of a temporary inflatable bladder cofferdam, dewatering of the work area, site access, and staging, have the potential to adversely impact biological resources, aquatic habitat, and wetlands. While no special status species are known to occur in Lake El Estero, the Project area does include wetlands and aquatic resource habitat for northwestern pond turtle (*Actinemys marmorata*), California tiger salamander (*Ambystoma californiense*), and Coast Range Newt (*Taricha torosa torosa*).

BMPs for biological resources protections included in Monterey's certification application (Monterey 2025a.) include worker environmental training and protections for riparian habitat (Mitigation Measure BT-1a: Implement Construction Best Management Practices). Condition 5 requires Monterey implement biological resource, aquatic habitat, and wetland protection measures identified in Monterey's BMPs as modified by this certification and additional measures to prevent or minimize impacts to aquatic species and their habitat.

Condition 5 includes provisions for compliance with the Dredge or Fill Procedures, Water Code sections 16200-16201, and other avoidance and minimization measures to limit or avoid impacts to waters of the state.

Existing beneficial uses for Lake El Estero related to aquatic resource and wetland habitat that may be impacted by Project construction include: wildlife habitat; fresh cold water habitat; fresh warm water habitat; and spawning, reproduction and/or early development.

5.6. Rationale for Condition 6: Reporting

Condition 6 requires Monterey to notify Central Coast Regional Water Board and State Water Board staff prior to implementing Project activities and submit a Completion Report following Project completion to document compliance with the certification requirements. The Completion Report will inform the Deputy Director of compliance with water quality objectives and protection of beneficial uses during Project implementation.

Reporting requirements of Condition 6 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Condition 6 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification. The reporting requirements of Condition 6 are necessary to ensure the Project does not impact water quality and associated beneficial uses including: municipal and domestic supply; groundwater recharge; water contact recreation; non-contact water recreation; wildlife habitat; fresh cold water

habitat; fresh warm water habitat; spawning, reproduction and/or early development; and commercial and sport fishing.

5.7. Rationale for Conditions 7 through 28

This certification imposes additional conditions regarding Project approvals, monitoring, enforcement, and potential future revisions.

Condition 7 is necessary to comply with Water Code section 13167 and Conditions 8 through 12 contain important clarifications concerning the scope and legal effect of this certification, and other legal requirements that may apply to the Project.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that an activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 7 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California Endangered Species Act (ESA) (Fish & G. Code, § 2050 et seq.) and federal ESA (16 U.S.C. § 1531 et seq.), Condition 8 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies 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 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.”

Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is “reasonable assurance that an activity of any person subject to the jurisdiction of the [State Water Board] will comply with applicable requirements” of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 9 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply.

Because agency organization and authorities change over time, Condition 10 provides direction for continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency.

The State Water Board is responsible for the water rights, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 11 explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the Project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute or excuse the applicant from obtaining any other State Water Board approvals required for the activity.

Conditions 12 through 14 are necessary to assure that any discharge authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications.

Condition 12 is a standard condition that "shall be included as conditions of all certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 13 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, subdivision (b). This condition clarifies the scope of the certification's application and ensures that any applicant for a federal license or permit, which may result in a discharge into navigable waters, is subject to the appropriate State certification. Condition 14 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, subdivision (c). This fee requirement condition is also required pursuant to California Code of Regulations, title 23, section 3833, subdivision (b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards' certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 15 through 27 are necessary to ensure that the Project operates to meet water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Project, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that the Project activities will comply with state and federal water quality requirements and other appropriate requirements of state law.

Conditions 15, 16, and 17 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards.

Conditions 18, 19, and 20 require the applicant to comply with the Central Coast Basin Plan and amendments thereto; and ensure that all reasonable measures are taken to protect water quality and beneficial uses in accordance with plans adopted pursuant to state and federal water laws.

Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 21 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 22 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

Condition 23, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific site access authorized under Water Code section 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses.

Condition 24 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project site. This condition is required to assure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 25 requires that Monterey use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Condition 26 ensures the Permittee complies with the Dredge or Fill Procedures and the Project's activities result in no net loss of wetland quantity, quality, or permanence, consistent with Water Code sections 16200-16201

Condition 27 clarifies that this certification also constitutes a waste discharge requirement. Pursuant to Water Code section 13264, subdivision (a), a 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. (See also State Water 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.

In the event that any provision of this certification is found invalid, Condition 28 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

6.0 Conclusion

The State Water Board finds that, with the conditions and limitations imposed by this certification, the Project will be protective of water quality and comply with state and federal water quality standards and other appropriate requirements of state law.

7.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD certifies that implementation of the Lake El Estero Diversion Project (Project) by the City of Monterey (Monterey or Permittee) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with appropriate provisions of State law, under the following terms and conditions.

CONDITION 1. Project Activities

Unless otherwise modified by conditions of this water quality certification (certification) or approved by the State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director), the Permittee shall implement the Project as described in Monterey's October 29, 2025 certification application (Monterey 2025a), as supplemented by emails on March 19, 2026, and June 24, 2026 (Monterey 2026a, and 2026b).

Monterey shall comply with all requirements set forth in water right permit 21481 for application A033508.

CONDITION 2. Water Quality Monitoring

Water quality monitoring shall be performed for the Project as described in this condition unless otherwise approved by the Deputy Director. The Permittee shall monitor water quality during in-water and water adjacent work with the potential to result in a discharge to surface waters. At a minimum water quality monitoring shall be performed during installation and removal of the bladder dam, excavation, pouring and setting of concrete, discharges from the settling tank to Lake El Estero, site restoration, and any other Project activities within or adjacent to Lake El Estero with the potential to impact water quality.

2(A) Water Quality Parameters

At a minimum, the Permittee shall monitor for turbidity, pH, temperature, dissolved oxygen, and construction-related visible pollutants (e.g., oils, greases, fuels, turbidity plumes, etc.).

2(B) Monitoring Frequencies

Monitoring for turbidity, pH, temperature, and dissolved oxygen shall be conducted in 15-minute or more frequent intervals using an automated sensor system. Visual monitoring for visible pollutants shall be conducted continuously throughout the active Project work area.

2(C) Monitoring Locations

The Permittee shall monitor turbidity, pH, dissolved oxygen, and temperature at the following locations:

- Within Lake El Estero at a location representative of impoundment water quality unaffected by Project activities.
- Within Lake El Estero at a location no further than 10 feet away from the inflatable bladder cofferdam.
- Within Lake El Estero no further than 10 feet from the discharge location of any water discharged from settling tanks used to store dewatered water (only required during settling tank discharge activities).

The Permittee shall take a global positioning system point and photograph for each proposed water quality monitoring location and provide them to the Central Coast Regional Water Quality Control Board (Central Coast Regional Water Board) and State Water Board staff at least one week prior to starting water quality monitoring. The Deputy Director may require the Permittee to use other or additional locations if the submitted locations are inadequate.

2(D) Water Quality Objectives

The Permittee shall ensure that Project activities comply with Central Coast Basin Plan water quality objectives. The current water quality objectives for turbidity, pH, temperature, dissolved oxygen, and visible pollutants are provided below for reference and apply unless incorrectly referenced, or updated by an amendment to the Central Coast Basin Plan.

- **Turbidity:** Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits:
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTUs), increases shall not exceed 20 percent.
 - Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
 - Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Consistent with the Central Coast Basin Plan and upon request of the Permittee, a zone of dilution may be considered for review and consideration of approval by the Deputy Director. Deputy Director review and consideration of approval will consider if the Permittee has implemented all feasible actions to control Project-related turbidity.

- **pH:** The Permittee shall not depress pH below 7.0 nor raise it above 8.3. Changes in normal ambient pH shall not exceed 0.5.

- *Dissolved Oxygen*: The Permittee shall not allow dissolved oxygen to fall below 7.0 milligrams per liter.
- *Temperature*: The Permittee shall not allow temperature to rise more than 5° Fahrenheit above natural receiving water temperature.
- *Visible Pollutants*: Waters shall not contain oils, greases, waxes, or other similar materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.

2(E) Water Quality Monitoring Reporting

As part of the Completion Report (Condition 6), the Permittee shall submit water quality monitoring results and related information. Monitoring results and related information shall include: (1) monitoring results, including raw data; (2) a description of monitoring methods, including equipment, frequency of data collection, quality assurance/quality control protocols implemented; and (3) description of any water quality exceedances or information necessary to understand the results.

2(F) Exceedances of Water Quality Objectives

If the Project results in an exceedance of any water quality objective described in the Central Coast Basin Plan, the Permittee shall notify the Deputy Director and the Central Coast Regional Water Board Executive Officer (Executive Officer) promptly, and in no case more than 24 hours following an exceedance. The notice shall include the cause of the exceedance, measures taken to correct the exceedance (if appropriate), and measures the Permittee will implement to prevent a future exceedance (if appropriate). Regardless of when such notification occurs, activities associated with the exceedance shall cease immediately upon detection. Work activities may only resume after corrective actions are implemented, water quality meets the Central Coast Basin Plan water quality objective, and the Deputy Director provides approval to proceed. The Deputy Director may require additional actions to help prevent similar exceedances in the future.

2(G) Water Quality Monitoring Adaptive Management

Based on monitoring results and environmental conditions, the Permittee may request changes to the water quality monitoring requirements in this condition. Changes may be requested by the Permittee following consultation with State Water Board and Central Coast Regional Water Board staff. The Permittee shall submit the request to the Deputy Director for review and consideration of approval at least two weeks prior to the requested start date to implement the proposed changes. The Permittee shall not implement the changes unless approved by the Deputy Director. The request shall include the proposed changes and supporting rationale. The Deputy Director may require additional changes as part of any approval.

CONDITION 3. Erosion and Sediment Control Measures

Unless otherwise approved by the Deputy Director, the Permittee shall implement the erosion and sediment control best management practices (BMPs) identified in this condition. These BMPs include applicable measures described in the *Pure Water Monterey Groundwater Replenishment Project (Pure Water Project) Environmental Impact Report (EIR)* (Monterey One Water 2015.) and Monterey's subsequent *Addendum to the Pure Water Monterey Groundwater Replenishment Project Environmental Impact Report for the Lake El Estero Water Diversion Project* (Addendum) (Monterey 2025b), and Monterey's certification application (Monterey 2025a.), as modified by this condition. The following measures shall be implemented prior to, during, and after any ground-disturbing activities or any other Project activities that could result in erosion and sediment discharges to surface waters:

- The Permittee shall implement erosion control measures to keep soil in place, which may include but are not limited to erosion blankets, tackifiers, hydro-mulch, paving cross drains, and retaining walls. Any hay, mulch, and straw used for erosion control shall be certified weed-free. Following ground disturbance activities, the disturbed area shall be restored to original, pre-construction paved or developed conditions.
- If the California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement contains provisions related to Project activities, the more stringent requirements between this certification and those of the Lake and Streambed Alteration Agreement shall apply.
- The Permittee shall consider the reasonably foreseeable potential for significant precipitation during the Project work period prior to initiating construction activities. Additionally, Project activities with the potential to result in discharges shall cease if there is a forecasted 25 percent chance of 0.1 inch or more of rain within 24 hours. This includes work in and around Lake El Estero and use of heavy equipment.
- Fill shall be properly compacted to avoid and/or minimize erosion.
- Sites shall be graded in a manner that prevents erosion and the discharge of sediments to surface waters.
- All vehicles and any ground or vegetation disturbing equipment must be cleaned and free of mud, soil, and plant materials prior to entering the Project area.
- Stockpiles (including potential sediment drying locations) shall be located outside of wetlands, surface waters, and riparian habitat. Excavated material shall be stored at least 50 feet from any waters of the state and in a manner that does not result in runoff discharges to surface waters. Excavated material shall ultimately be disposed of consistent with the materials disposal plan required under Mitigation Measure HH-2c: Materials and Dewatering Disposal Plan.

CONDITION 4. Hazardous Materials Management

Unless otherwise approved by the Deputy Director, the Permittee shall implement the hazardous materials management BMPs in this condition. These BMPs include but are not limited to measures identified in the Pure Water Project EIR (Monterey One Water 2015) and Monterey's subsequent Addendum (Monterey 2025b), and Monterey's certification application (Monterey 2025a), as modified by this condition. These measures shall be implemented prior to the commencement of, during, and after any Project activity that involves the storage, use, or management of hazardous materials.

4(A) Training

- Project-related personnel, including contractors and subcontractors, shall be trained in proper hazardous material management. Additionally, all construction personnel shall receive training on the appropriate work practices necessary to comply with applicable environmental laws and regulations, including hazardous materials management.

4(B) Vehicles and Equipment

- All power equipment and vehicles shall be free of petroleum residue, kept in good working order, and inspected each day for leaks prior to use.
- Equipment shall be staged overnight and leaks repaired in areas with secondary containment or with other suitable barriers to prevent fuel, oil, or other hazardous materials from leaking into the soil or being discharged to surface waters.
- Commercial washing facilities that have proper wastewater treatment systems shall be used whenever possible. All equipment shall be thoroughly cleaned of dirt, grease, etc. prior to entering the Project area and shall be inspected to ensure that the equipment is in proper functioning condition. All suspect hoses and hydraulic lines shall be replaced prior to entering the Project area.

4(C) Storage of Hazardous Materials

- All hazardous materials, including petroleum-based materials, shall be contained in appropriate spill-proof containers and/or have secondary containment and be stored in designated areas and shall not be stored in or near a floodplain, wetland, or riparian habitat.
- Bulk fuel storage tanks shall be double-walled or placed in secondary containment areas.
- Hazardous materials and waste generated onsite, such as grease cartridges and oil-soaked absorbent materials, shall be placed in proper containers, labeled appropriately, and transported from the job site to an authorized hazardous waste consolidation site or appropriate landfill for proper disposal in accordance with applicable laws and regulations.
- The Permittee shall implement appropriate measures throughout the Project area (e.g., around vehicle service, storage, and refueling areas, chemical storage and use areas, and waste dumps) to fully contain spills and avoid or minimize soil

contamination and seepage to groundwater. Temporary fuel tanks shall have adequate local containment consisting of berms and plastic sheeting to protect against accidental spills or leaks.

- All containment structures shall comply with the California Code of Regulations, title 27, section 20320.

4(D) Hazardous Materials Release

- Solvents, concrete, adhesives, fuels, dirt, gasoline, and other hazardous materials shall not be rinsed or washed into Lake El Estero or other aquatic habitats, wetlands, or riparian habitat.
- Concrete or cement shall be completely cured before coming into contact with waters of the state. If any surface water comes into contact with wet concrete or cement it must be pumped out and disposed of properly.
- If Project-related hazardous materials are released with the potential to impact surface waters, the Permittee shall immediately cease any activities associated with the Project that resulted in the release and implement measures to limit and clean up the release. The Permittee shall notify the Deputy Director and the Executive Officer of the Central Coast Regional Water Board (Executive Officer) promptly, and in no case more than 24 hours following the release. The notice shall include the type and quantity of material released, cause of the release, corrective measures taken, and measures the Permittee will implement to prevent future releases. The Deputy Director may require additional actions to help prevent similar releases in the future or to address impacts associated with the reported release. Work activities may only resume after corrective actions have been implemented, if applicable, and the Deputy Director has provided approval to proceed.
 - Any spills shall be cleaned up immediately using absorbent material or, if necessary, by constructing berms, and shall not be buried or washed with water. All media affected by a spill, including contaminated soils, shall be cleaned up and disposed of offsite in accordance with applicable laws and regulations.
- Spill response kits shall be maintained at all active work areas. The Permittee shall ensure that hazardous spill kits are adequately stocked with necessary supplies and are maintained in accessible locations. Spill kits shall be required in all Permittee and contractor vehicles on site and at locations where hazardous materials are stored. These kits shall be clearly marked and include oil-absorbent material and tarps to contain and control any minor releases. If contaminated groundwater or sediment with the potential to impact water quality is encountered during dewatering activities associated with the Project, the Permittee shall manage, treat, and dispose of such groundwater or sediment consistent with Mitigation Measure HH-2c: Materials and Dewatering Disposal Plan and the Dewatering Plan.

CONDITION 5. Biological Resource, Aquatic Habitat, and Wetland Protections

Unless otherwise approved by the Deputy Director, the Permittee shall implement the BMPs and measures identified in this condition to protect aquatic biological resources, aquatic habitat and wetlands. The BMPs to be implemented include those described in Monterey's certification application (Monterey 2025a.), the Pure Water Project EIR (Monterey One Water 2015.) and subsequent Addendum (Monterey2025b.), as modified by this condition.

5(A) Biological Resource and Aquatic Habitat Protections

- **Worker Environmental Training Program:** The Employee Education Program listed in Mitigation Measure BT-1a: Implement Construction Best Management Practices shall include a review of applicable requirements of the Project certification to ensure personnel implement measures to protect water quality and beneficial uses.

The Employee Education Program shall be conducted prior to beginning Project activities and reviewed as appropriate throughout Project implementation. The Employee Education Program shall be provided to any new personnel prior to those personnel conducting on-site work.

- **General Biological Resource Protection:** To the maximum extent possible, the Permittee shall avoid temporary and permanent impacts to waters of the state, including wetlands (see also Condition 5(B)), and shall establish laydown and staging areas in previously developed and/or disturbed areas.

5(B) Wetland Protections

The Project is anticipated to have 0.01 acres of temporary impacts and no permanent impacts to Lake El Estero habitats. The Permittee shall notify and receive approval from the Deputy Director for any increase to these estimated temporary and permanent impacts.

Any permanent impacts shall be compensated for at a minimum 1:1 ratio consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures) (State Water Board 2019 and 2021), and any amendments thereto, and Water Code sections 16200-16201. The Permittee shall request and obtain Deputy Director approval for any compensatory mitigation for permanent impacts and provide the Deputy Director with documentation of compliance with this mitigation provision for any permanent impacts as part of the Completion Report (Condition 6).

CONDITION 6. Reporting

6(A) Initial Report and Updates to Project Schedule

At least five days prior to starting Project activities, the Permittee shall notify the Central Coast Regional Water Board and State Water Board staff that Project activities are anticipated to begin and provide an anticipated schedule for the Project. Throughout Project implementation the Permittee shall provide staff with updates related to any major changes to the Project schedule within five business days of when the Permittee becomes aware of the schedule change.

6(B) Completion Report

Within 60 days of Project completion, the Permittee shall submit a Project Completion Report that comprehensively summarizes:

- Project activities performed.
- Compliance with each condition of this certification and details of any failure to meet the certification requirements.
- Final inspection information documenting the Project area cleanup was completed satisfactorily. This includes photo documentation of the Project area before and after Project completion.
- Details of any environmental protection measure inadequacies found during Project implementation.
- Details of Project-related adverse impacts to beneficial uses, if applicable.
- A summary of monitoring activities that occurred during the Project, including but not limited to; (1) monitoring locations; (2) a description of the equipment, frequency, methods, and quality assurance/quality control process for water quality monitoring; and (3) monitoring results.

Upon request from the Deputy Director or State Water Board staff, the Permittee shall provide additional information or meet with staff to discuss the Completion Report.

The Deputy Director may require the Permittee to implement corrective actions in response to the information provided in the Completion Report or new information in the record.

CONDITIONS 7 – 28

CONDITION 7. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with Water Code section 13167.

CONDITION 8. This certification does not authorize any act which results in the take 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 (ESA) (Fish & G. Code, §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a “take” will result from any act authorized under this certification or water rights held by the Permittee, the Permittee must obtain authorization for the take 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 ESAs for the Project authorized under this certification.

CONDITION 9. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Permittee is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 10. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency will apply equally to the successor agency.

CONDITION 11. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 12. This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 13. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

CONDITION 14. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 15. Notwithstanding any specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director, unless otherwise specified. The State Water Board’s approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require changes of a proposal, plan, or report prior to approval. The State Water Board may take enforcement action if the Permittee fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy

Director approval, the Permittee shall submit a written request for the extension, with justification, to the designated approver no later than 15 days prior to the deadline. The Permittee shall not implement any plan, proposal, or report until after receiving State Water Board approval and any other necessary regulatory approvals.

CONDITION 16. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, 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 the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of the conditions of this certification, the Permittee shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Permittee will implement to address the violation. The Permittee shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require changes as part of any approval to ensure the protection of water quality and beneficial uses or compliance with water quality control plans, policies, or other appropriate requirements of state law.

CONDITION 17. The Permittee shall submit any changes to the Project, including, operations, facilities, technology changes or upgrades, or methodology, which could have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval, unless otherwise specified. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification. If such a change would also require submission to FERC or the United States Army Corps of Engineers, the change must first be submitted and approved by the State Water Board unless otherwise delegated in this certification or other State Water Board approval.

CONDITION 18. This certification is contingent on compliance with all applicable requirements of the Central Coast Regional Water Quality Control Board's Water Quality Control Plan for the Central Coast (Central Coast Regional Water Quality Control Board 2024) and any amendments thereto and other appropriate requirements of state law.

CONDITION 19 Reports and plans submitted by the Permittee for approval under this certification shall consider the effects of the Project in relation to compliance with all applicable water quality control plans and policies and, as necessary, propose updates to the Project to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have

changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the new or changed water quality control plan or policy beneficial uses and/or water quality objectives. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Permittee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with other applicable requirements of state law. The Permittee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

CONDITION 20. Unless otherwise specified by conditions in this certification, the Project shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Permittee shall take all reasonable measures to protect the beneficial uses of waters of the state, including Lake El Estero.

CONDITION 21. In response to a suspected violation of any condition of this certification, the State Water Board or Central Coast Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Wat. Code, §§ 1051, 13165, 13267, & 13383.)

CONDITION 22. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or change the conditions of this certification.

CONDITION 23. Upon request, a Project schedule shall be provided to the Deputy Director. The Permittee shall provide State Water Board and Central Coast Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 24. A copy of this certification shall be provided to all contractors and subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Permittee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

CONDITION 25. The Permittee shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Lab Accreditation Program-certified laboratories.

CONDITION 26. The Permittee shall ensure no net loss of wetland or riparian habitat functions and is responsible for compliance with the Dredge or Fill Procedures (State Water Board 2019b and 2021) and any amendments thereto, and Water Code sections 16200-16201.

CONDITION 27. This certification serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) as authorized by State Water 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.

CONDITION 28. Certification that the Project will be protective of water quality and beneficial uses in compliance with the state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification; however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Project, the remainder of this certification shall not be affected. Upon remand from determination on administrative or judicial review that a provision of this certification is invalid or affects the validity of the certification the State Water Board may adopt an alternative term that addresses the water quality issue while avoiding the invalidity.



Eric Oppenheimer
Executive Director

October 27, 2026

Date

8.0 References

- Central Coast Regional Water Quality Control Board. 2024. Water Quality Control Plan for the Central Coastal Basin, June 2024. California Environmental Protection Agency. Available at: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/basin_plan/docs/2024_basin_plan_r3.pdf Assessed on August 27, 2026.
- Monterey. 2025a. Water Quality Certification Application for the Lake El Estero Diversion Project. Submitted on October 29, 2025.
- Monterey. 2025b. Addendum to the Pure Water Monterey Groundwater Replenishment Project Environmental Impact Report for the Lake El Estero Diversion Project. Available at: <https://files.ceqanet.lci.ca.gov/205299-25/attachment/v7A07ZlfznmcoS4ZaL8eSK4I7434ec98s26wYZ7kp-0D5JFpSdt5losPrnDQAJuGm0xOI9ATjkXhuDoq0> Assessed on August 27, 2026.
- Monterey. 2026a. Supplemental Application Information email. Submitted on March 19, 2026
- Monterey. 2026b. Supplemental Application Information email. Submitted on June 24, 2026.
- Monterey One Water (Formerly Monterey Regional Water Pollution Control Agency). 2015. Monterey Peninsula Groundwater Replenishment (Pure Water Monterey) Project Environmental Impact Report. Available at: <https://purewatermonterey.org/reports-docs/cfeir/> Assessed on August 27, 2026.
- State Water Resources Control Board (State Water Board). 1968. *Statement of Policy with Respect to Maintaining High Quality Waters in California*. Resolution No. 68-16. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Assessed on August 27, 2026.
- State Water Board. 2003. *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification (General WDRs)*. Water Quality Order No. 2003-0017-DWQ. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf . Assessed on August 27, 2026.
- State Water Board. 2012. *Delegation of Authority to State Water Resources Control Board Members Individually and to the Deputy Director for Water Rights*. Resolution No. 2012-0029. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0029.pdf . Assessed on August 27, 2026.
- State Water Board. 2019. *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*. Resolution No. 2019-0015 and any amendments thereto. Available at:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html.
Assessed on August 27, 2026.

State Water Board. 2021. Confirmation That the “State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State” (1) Are in Effect as State Policy for Water Quality Control for All Waters of The State and (2) Shall be Applied via the Inland Surface Waters and Enclosed Bays and Estuaries Plan to only Waters of The United States. Resolution No. 2021-0012. Available at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021-0012.pdf . Accessed on November 1, 2024.

State Water Board. 2023. *Redelegation of Authorities Memorandum*. April 20 2023.

United States Environmental Protection Agency (USEPA). 2022. *Proposed Clean Water Act Section 401 Water Quality Certification Improvement Rule*. Available at:
[federal-register-version-of-2023-clean-water-act-section-401-water-quality-certification-improvement-rule.pdf](https://www.federalregister.gov/documents/2022/08/22/proposed-clean-water-act-section-401-water-quality-certification-improvement-rule). Assessed on August 27, 2026.

**ATTACHMENT A:
PROJECT OVERVIEW MAPS**

**FINAL WATER QUALITY CERTIFICATION
FOR
LAKE EL ESTERO DIVERION PROJECT**

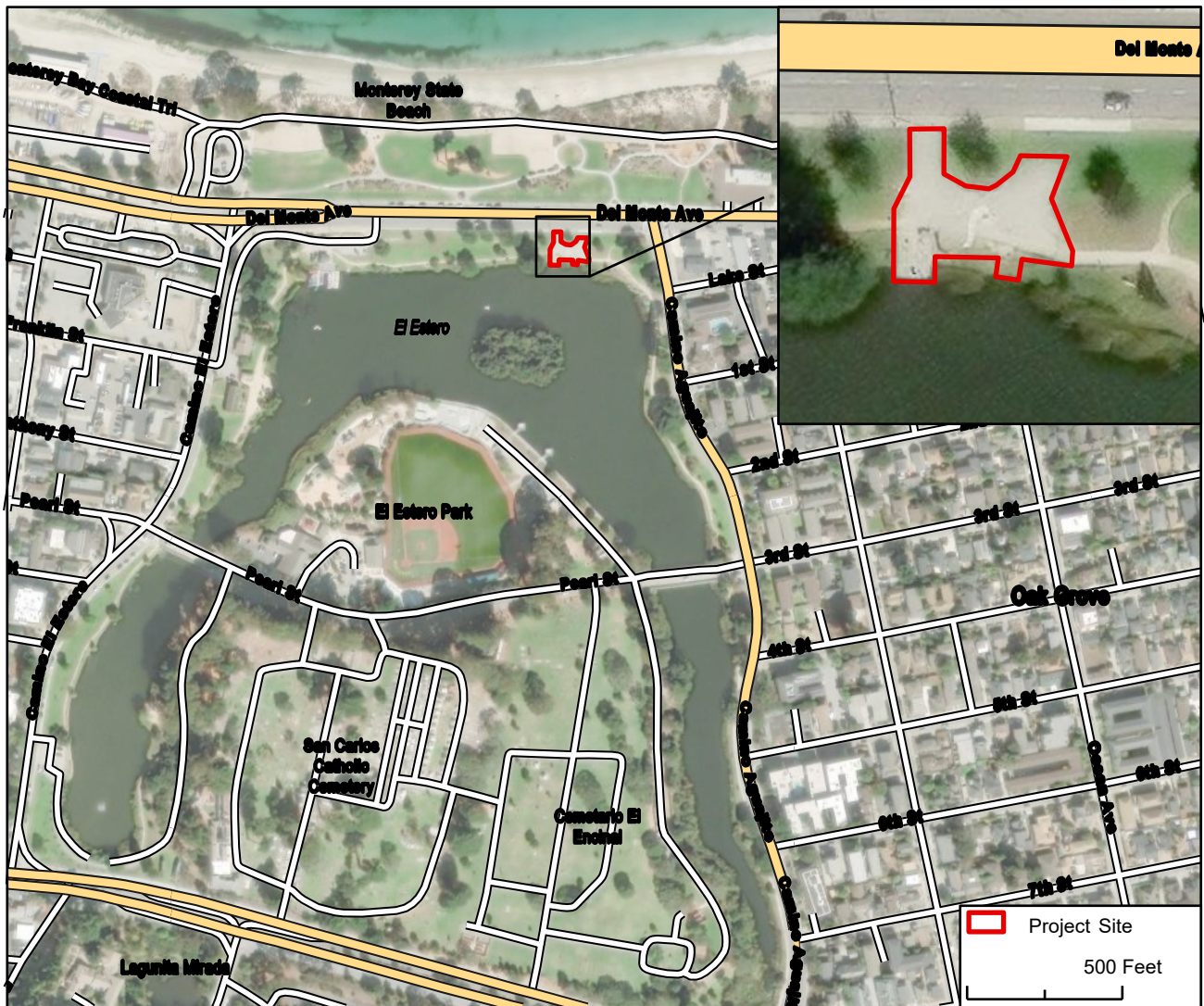


Figure 1: Lake El Estero Project Boundaries

**ATTACHMENT B:
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND MITIGATION
MONITORING AND REPORTING PLAN**

**FINAL WATER QUALITY CERTIFICATION
FOR
LAKE EL ESTERO DIVERION PROJECT**

Introduction

The City of Monterey is the lead agency for the purposes of California Environmental Quality Act (CEQA) compliance for the Lake El Estero Water Diversion Project (Project). The State Water Resources Control Board (State Water Board) is a responsible agency under CEQA for the Project and is the state agency responsible for protecting the State's water quality, including through issuance of water quality certifications (certification) under section 401 of the Clean Water Act. (Wat. Code, §§ 174, 13160.)

On October 8, 2015, Monterey One Water⁸ certified the Pure Water Monterey Groundwater Replenishment Project Final Environmental Impact Report (EIR),⁹ including the Mitigation Monitoring and Reporting Program (MMRP). Additionally, on June 26, 2025, Monterey released an addendum to the EIR (Addendum) that included the environmental analysis for the Project, and on July 18, 2025, Monterey issued a Notice of Determination for the Addendum with the State Clearinghouse. The Addendum and Notice of Determination state that the Project will have no significant environmental impacts.

CEQA includes a declaration that public agencies should not approve projects that will result in significant environmental effects if there are feasible means of mitigating such effects or feasible project alternatives that would substantially lessen the significance of such effects. (Pub. Resources Code, § 21002; see also Cal. Code Regs., tit. 14, § 15096, subd. (g)(2).) CEQA prohibits public agencies from approving a project for which an EIR has been certified which identifies one or more significant effects, unless the agency makes one or more of the findings set forth in Public Resources Code section 21081, subdivision (a):

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(See also Cal. Code Regs., tit. 14, § 15091, subd. (a).)

⁸ Monterey One Water is a joint powers authority between 11 organizations including the City of Monterey.

⁹ State Clearinghouse Number 2013051094.

Under Public Resources Code section 21002.1, subdivision (d), when issuing an approval for an aspect of a project for which a lead agency has performed CEQA review, a responsible agency considers only the aspects of the project that the agency is required by law to carry out or approve.

Mitigation Measures

CEQA requires public agencies to prepare a program for monitoring or reporting on the revisions which it requires in the project and the measures it has imposed to mitigate or avoid significant environmental effects. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15097, subd. (a).)

State Water Board therefore provides the following CEQA findings and MMRP that concern potentially significant impacts to water quality and associated resources and related habitats identified by Monterey One Water in its EIR.

Mitigation Measure Biological Terrestrial (BT)-1: Construction Impacts to Special Status Species and Habitat

As discussed in Monterey One Water's EIR and carried forward in the Monterey's Addendum, the Project proposes multiple construction activities that may result in impacts to special status species and habitat including: (1) construction that would produce disruptive lighting or glare, (2) indirect impacts to protected birds and habitat (e.g., abandonment of active nests) from equipment noise and vibration during construction and (3) vegetation disturbance.

As described in Monterey One Water's final EIR, MMRP and Monterey's Addendum, the mitigation measures summarized below have been adopted and will be implemented by Monterey to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure BT-1a Implement Construction Best Management Practices requires implementing construction best management practices throughout all phases of work to protect special-status plant and wildlife species including the following:

- A qualified biologist¹⁰ must provide environmental training to construction personnel before work begins, covering project boundaries, access routes, biological monitoring procedures, potential special-status species, applicable regulations, and required response actions if species are encountered.
- Vegetation not designated for removal must be protected using exclusion fencing (e.g., hay bales, wood barriers), installed and monitored weekly by a biological monitor. Only certified weed-free straw may be used.

¹⁰ A qualified biologist is a biologist who is knowledgeable of and experienced with special-status species and their habitats that may be in the Project area.

- Protective fencing must prevent equipment and personnel from entering vegetation outside the work limits, with weekly monitoring to maintain fencing integrity.
- After construction, disturbed areas must be restored to pre-project contours and revegetated with locally native species per biologist recommendations.
- Soil-disturbing activities must incorporate erosion control planning and implementation in consultation with qualified hydrologists, engineers, or erosion control specialists.
- Trash must be secured in closed containers and removed at least weekly to avoid attracting wildlife; feeding wildlife is prohibited.
- Contractors must maintain an accessible spill prevention and response plan.
- Vehicle and equipment fueling/maintenance must occur only in designated staging areas at least 100 feet from waterbodies, with measures such as concrete washout areas, straw wattles, and covered stockpiles to prevent contamination.
- Coordination with the City of Seaside is required regarding injection well locations and handling of sensitive biological materials.

Compliance with certification Condition 1 will further reduce or avoid these potential Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities – requires Monterey to implement the Project as Monterey’s October 29, 2025 certification application and as supplemented by emails on March 19, 2026, and June 24, 2026 unless otherwise approved by the State Water Board Deputy Director of the Division of Water Rights (Deputy Director). Condition 1 requires implementation of mitigation measure BT-1a.

Condition 5 – Biological Resource, Aquatic Habitat, and Wetland Protections – requires implementation of biological, aquatic habitat, and wetland protections measures beyond those required by BT-1a (Condition 1).

Condition 6 – Reporting—among other items, requires Monterey report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure BT-1a).

Condition 1, 5, and 6 in this water quality certification, will reduce the Project related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Hazards and Hazardous Materials (HH)-2 Accidental Release of Hazardous Materials During Construction

As discussed in Monterey One Water’s EIR and carried forward in Monterey’s Addendum, the Project as a result of its proximity to surface waters and hazardous

materials release sites¹¹ has the potential to result in the release of hazardous materials from ground disturbance including site preparation, equipment mobilization, and dewatering activities.

As described in Monterey One Water's final EIR, MMRP and Monterey's Addendum the mitigation measures summarized below have been adopted and will be implemented by Monterey to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure HH-2a Environmental Site Assessment if required by local agencies or property owners HH-2a would require Monterey to perform a Phase I Environmental Site Assessment (ASTM 1527-05) to identify potential hazardous material concerns. If evidence of contamination is found, a Phase II investigation would be conducted to determine its extent and identify necessary remediation measures consistent with state and local regulations. If hazardous materials are confirmed, any additional remediation required by regulatory agencies must be completed, and contractors must comply with all applicable design and cleanup requirements.

Mitigation Measure HH-2c Materials and Dewatering Disposal Plan requires Monterey to develop a Materials and Dewatering Disposal Plan specifying how excavated material will be removed, handled, transported and disposed of in a lawful manor. The Materials and Dewatering Disposal Plan must include the following:

- Identification of disposal methods for soil, approved disposal site and written documentation that the disposal site will accept the material.
- Materials disposal plans for Site 39 must be reviewed and approved by Fort Ord Reuse Authority and the City of Seaside.
- Methods and process for handling contaminated groundwater safely.
- Identification of likely locations of contaminated groundwater, analysis methods, and appropriate treatment or disposal methods.
- If the dewatering effluent contains contaminants that exceed the requirements of the General Waste Discharge Requirements for Discharges with a Low Threat to Water Quality (Order No. R3-2011-0223, National Pollutant Discharge Elimination System (NPDES) Permit No. CAG993001), the construction contractor shall contain the dewatering effluent in a portable holding tank for appropriate offsite disposal or discharge. The contractor can either dispose of the contaminated effluent at a permitted waste management facility or discharge the effluent, under permit, to the Regional Treatment Plant.

Compliance with certification Conditions 1, 2, 3 and 6 will further reduce or avoid these potential Project-related impact with the potential to violate water quality standards.

¹¹ At the time of the Addendum, the Project site was approximately 0.25 miles from a hazardous material release site.

Condition 1 – Project Activities – Requires Monterey to implement the Project in accordance with Monterey’s October 29, 2025 certification application and as supplemented by emails on March 19, 2026, and June 24, 2026 and the conditions of the State Water Board’s certification unless otherwise approved by the State Water Board Deputy Director. Condition 1 requires implementation of HH-2a and 2c.

Condition 2 – Dewatering and Water Quality Protection – Requires Monterey to monitor temperature, pH, turbidity, dissolved oxygen, and visual pollutants (e.g., oils, greases, fuels, and turbidity plumes) during in-water and water adjacent work with the potential to result in a discharge to surface waters. Condition 2 also requires Monterey to provide global positioning system coordinates and a photograph for each proposed water quality monitoring location and provide them to the Central Coast Regional Water Quality Control Board and State Water Board staff at least one week prior to starting water quality monitoring. As part of the Completion Report (Condition 6), Monterey will submit water quality monitoring results and related information.

Condition 3 – Erosion Sediment and Hazardous Materials Control Measures – Requires Monterey to implement measures to protect water quality associated with Project activities with the potential to cause erosion or result in sediment discharges. Condition 3 specifically requires the following:

- Implement appropriate erosion control measures (such as erosion blankets, hydro-mulch, tackifiers, cross drains, or retaining walls). Any hay, mulch, or straw used must be certified weed-free. Disturbed areas must be restored to pre-construction paved or developed conditions.
- If a California Department of Fish and Wildlife Lake and Streambed Alteration Agreement applies, the most stringent requirements between that agreement and this certification shall apply.
- The Permittee shall consider the reasonably foreseeable potential for significant precipitation during the Project work period prior to initiating construction activities. Additionally, Project activities with the potential to result in discharges shall cease if there is a forecasted 25 percent chance of 0.1 inch or more of rain within 24 hours. This includes work in and around Lake El Estero and use of heavy equipment.
- Properly compact all fill material to minimize erosion.
- Sites shall be graded to prevent erosion and sediment discharge to surface waters.
- Ensure all vehicles and equipment entering the project area are free of mud, soil, and plant material.
- Stockpiles (including potential sediment drying locations) shall be located outside wetlands, surface waters, and riparian habitat, and at least 50 feet from waters of the state, in a manner that prevents runoff. Excavated material shall ultimately be disposed of consistent with the materials disposal plan.

Condition 6 – Reporting—among other items, requires Monterey report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measures HH-2a and 2c).

Implementation of mitigation measures HH-2a and HH-2c, together with compliance with Conditions 1, 2, 3 and 6 in this water quality certification, will reduce the Project related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.