APPENDIX D

SECTION 401 WATER QUALITY CERTIFCATE

Central Valley Regional Water Quality Control Board

5 June 2017

Goldie Lewis
Tesoro Viejo, Inc.
7020 N. Van Ness Blvd.
Fresno, CA 93711

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR TESORO VIEJO MASTER PLANNED COMMUNITY PROJECT (WDID 5B20CR00087), MADERA COUNTY

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Pamela C. Creedon. This Order is issued to the Tesoro Viejo, Inc. for the Tesoro Viejo Master Planned Community Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by Tesoro Viejo, Inc. for the proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact me by phone at 559-445-6281 or by email at debra.mahnke@waterboards.ca.gov. You may also contact Matt Scroggins, Senior Engineer, by phone at 559-445-6042 or by email at matt.scroggins@waterboards.ca.gov.

Debra Mahnke
Water Resource Control Engineer
Central Valley Water Quality Control Board

Enclosures (2): Order for Tesoro Viejo Master Planned Community Project
Water Quality Order No. 2003-0017-DWQ

cc: See following page

cc: (w/ enclosure):

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 5 June 2017

Reg. Meas. ID:	404797
Place ID:	822224
WDID:	5B20CR00087
USACOE#:	SPK-2006-00425

Program Type: Fill/Excavation

Project Type: Mixed Use

Project: Tesoro Viejo Master Planned Community Project (Project)

Applicant: Tesoro Viejo, Inc.

Applicant Contact:
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If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (559) 445-5116 and ask to speak with the Water Quality Certification Unit Supervisor.

Table of Contents

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) are issued at the request of Tesoro Viejo, Inc. (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 11 February 2016 and a revised application was submitted on 4 August 2016. The application was deemed complete on 8 September 2016. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

Table 1: Record of Notice(s) of Incomplete Application

Date of Notice of Incomplete Application	Date all requested information was received.
22 March 2016	4 August 2016

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 2).

Table 2 Record of Supplemental Application Information

Date of Request for Supplemental Information	Date all requested information was received.
8 February 2017	16 March 2017

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 18 November 2016 to 9 December 2016. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The Permittee proposes to develop a financially viable, new master planned balanced community in southeastern Madera County with self-sustaining levels of residential housing; K-12 public schools; commercial, office and light industrial development; and parks and open space.

IV. Project Description

The Project has been devised in response to the determination by the County of Madera that new development is needed for this area to accommodate projected regional growth. The proposed Project involves development of a property locally known as Peck Ranch and would include mixed-use development consisting of up to 5,190 dwelling units and about 3 million square feet of commercial, retail, office, public institutional, and light industrial uses. In addition, significant portions of the property would be preserved as open space and agricultural vignettes; and boulevards, trails, and neighborhood parks would be incorporated into the developed areas. Sufficient land area would be set aside for utilities and storm water facilities (including storm water basins), K-12 schools, and potential right-of-way for the realignment of SR-41. Additionally, nine free span bridge crossings over the canals are proposed as part of the Project. The Project is designed to be phased over time, with full

build-out assumed to be completed by 2030. At that stage, the population of the fully realized Project would be estimated to be up to 15,650 residents.

V. Project Location

Address: Southeastern Madera County, east of SR 41, at Road 204.

County: Madera

Sections 15, 21-24, 26-27, Township 11 South, Range 20 East, MDB&M.

Latitude: 36°57‘38”N and Longitude: 119°45‘58”W

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised July 2016 (Basin Plan). The plan for the region and other plans and policies may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

VII. Description of Direct Impacts to Waters of the State

A total of 59.081 acres of potential Waters of the U.S., consisting of U.S. Bureau of Reclamation (USBR)-owned canals, San Joaquin River, non-wetland channel, wetland channel, wetland, and vernal pools, have been mapped within the Project area and verified by the U.S. Army Corps of Engineers (USACOE) on 22 December 2014. The Project will include approximately 186 acres of on-site open space preserve, which includes 42.282 acres of preserved Waters of the U.S. The Project will result in direct impact (fill) of 11.036 acres of Waters of the U.S. and indirect impacts to 0.783 acres of Waters of the U.S. Additionally, the Project will impact 0.54 acres of riparian and riparian scrub.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 3: Total Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact[1]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY[2]	LF[2]	Acres	CY[2]	LF[2]	Acres	CY[2]	LF[2]
Riparian Zone	--	--	--	0.54	--	--	--	--	--
Canal	--	--	--	4.943	--	--	--	--	--
Vernal Pool	--	--	--	0.110	--	--	0.325	--	--
Wetland	--	--	--	1.611	--	--	--	--	--

Table 3: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact[1]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY[2]	LF[2]	Acres	CY[2]	LF[2]	Acres	CY[2]	LF[2]
Wetland Channel	--	--	--	1.374	--	--	0.458	--	--
Non-Wetland Channel	--	--	--	2.998	--	--	--	--	--

[1] Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

[2] Cubic Yards (CY); Linear Feet (LF)

VIII. Avoidance and Minimization

The proposed Project will include approximately 186 acres of on-site open space preserve, which includes 42.282 acres of preserved Waters of the U.S. The open space preserve will be placed under a conservation easement, subject to any pre-existing legal reservation of rights, and managed in perpetuity according to an approved Operations and Management Plan (O&M Plan). The proposed Project, as designed, will preserve approximately 77% of the waters of the U.S. that have been mapped within the Project site. The majority of the open space preserve includes the preserved waters of the U.S. and a 50-foot buffer from the edge of the waters of the U.S. to development. In addition to the 50-foot buffer, a multi-purpose trail system will be included along the outer edge of large portions of the 50-foot buffer. This multi-purpose trail system will be 30 to 50 feet wide and will include a 12-foot multi-purpose trail with the remaining area being used for bioswales and other landscape improvements (re-vegetation). This multi-purpose trail system adds to the protection of the preserved waters of the U.S. to maintain the functions and values.

Project construction activities will be subject to all regulatory requirements including obtaining a grading permit from Madera County. The grading permit requires compliance with federal, state, and local grading and erosion control requirements, including the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ. The Project proponents will prepare a SWPPP with site-specific Best Management Practices (BMPs). BMPs may include, but are not limited to:

- Scheduling or limiting activities to certain times of the year;
- Prohibiting certain construction practices;
- Implementing equipment maintenance schedules and procedures;
- Implementing a monitoring program;
- Implementing management practices to prevent/reduce pollution, such as temporary mulching, seeding, or other suitable stabilization measures to protect uncovered soils;
- Storing materials and equipment to ensure spills and leaks do not enter the storm drain system or surface waters;
- Developing and implementing a spill prevention and cleanup plan;
- Installing traps, filters, or other devices at drop inlets to prevent contaminants from entering storm drains;
- Using barriers (straw bales or plastic) to minimize the amount of uncontrolled runoff that could enter drains or surface water.

IX. Compensatory Mitigation

Mitigation will be a combination of on-site preservation and purchase of off-site mitigation credits at the Grasslands Mitigation Bank located in Merced County, and at the Kennedy Table Conservation Bank in Fresno County, as described below in section XIII.I.

X. California Environmental Quality Act (CEQA)

On 5 November 2012, the County of Madera , as lead agency, certified an Environmenal Impact Report (EIR) (State Clearinghouse (SCH) No. 2006111123) for the Project and filed a Notice of Determination (NOD) at the Madera County Clerk's Office on 5 November 2012. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XI. Petitions for Reconsideration

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

XII. Fees Received

An application fee of $600 was received on 11 February 2016. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of $89,400 based on total Project impacts was received on 8 March 2017.

XIII. Conditions

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 3.

B. Reporting and Notification Requirements

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

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

In the subject line of the email, include the Central Valley Water Board Contact, Tesoro Viejo Master Planned Community Project, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. **Project Reporting**

   a. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of the month one year after the effective date of the Certification. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. **Project Status Notifications**

   a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.

   b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

   c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,[1] and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

   a. **Accidental Discharges of Hazardous Materials**[2]

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

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

         - first call – 911 (to notify local response agency)

[1] Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

[2] "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly follow the required OES procedures as set forth in: http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIII.B.

iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIII.B.

i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work and Diversions

i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via delivered written notice, email, or other verifiable means in accordance with section XIII.B.

ii. Bi-weekly surface water quality monitoring reports shall be submitted to Central Valley Water Board staff, in accordance with section XIII.C.3.d.

iii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation attachment of this Order.

e. Transfer of Property Ownership: This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:

i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central

Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance: If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. General: Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling:

a. when performing any in-water work;

b. during the entire duration of temporary surface water diversions;

c. in the event that the Project activities result in any materials reaching surface waters; or

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

2. Accidental Discharges/Noncompliance: Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. In-Water Work or Diversions:

For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Central Valley Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

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

b. Activities shall not cause the pH in surface waters to be depressed below 6.5 nor raised above 8.5.

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

i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

d. Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 4 sampling parameters.[3] The sampling requirements in Table 4 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An in-water work monitoring report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIII.C.3.c.

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

[3] Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer’s instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Table 4: Sample Type and Frequency Requirements			
Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Settleable Material	ml/L	Grab	Every 4 hours

4. **Post-Construction:** Visually inspect the Project site during the rainy season for two years following completion of construction to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

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

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

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

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee

and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

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

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

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

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

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (Tesoro Viejo Specific Plan Revised Environmental Impact Report Mitigation Monitoring and Reporting Program, 25 October 2012) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

F. Construction General Permit Requirement

The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ (Construction Storm Water General Permit), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

G. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.

2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order 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 endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

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

   d. Sample or monitor for the purposes of assuring Order compliance.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

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

H. Construction

1. Good Site Management "Housekeeping"

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

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

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

2. Hazardous Materials

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

b. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

3. In-Water Work

a. In-water work shall occur during periods of no precipitation.

4. Post-Construction Storm Water Management

All construction activities within the Project area are required to incorporate post construction storm water controls in accordance with the *Draft Tesoro Viejo Storm Water Quality Design Manual*, dated May 2016, as revised or amended. The manual provides guidance for projects to comply with the Phase II Municipal Separate Storm Sewer System Permit and includes Low Impact Development design standards to reduce runoff, treat storm water, and provide baseline hydromodification management.

Construction projects within the Tesoro Viejo Project area are required to develop and submit a Storm Water Quality Plan to the Tesoro Viejo Mutual Water Company. Because the Project will be developed in phases, storm drain systems within each phase boundary will require submission of an individual Storm Water Quality Plan incorporating post construction storm water controls**. Prior to the start of construction within each phase**, the Preliminary and Final Storm Water Quality Plan for the phase shall be submitted to the Central Valley Water Board for staff review and approval to ensure compliance with the Construction Storm Water General Permit and the Phase II Municipal Separate Storm Sewer System Permit. Submittal shall be in accordance with report submittal instruction provided in Attachment D.

5. Sediment Control

a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.

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

6. Stabilization/Erosion Control

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

b. Hydroseeding shall be performed with California native seed mix.

7. Storm Water

a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

i. The Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and

ii. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

I. Compensatory Mitigation for Permanent Impacts[4]

1. Final Compensatory Mitigation

The Permittee shall provide compensatory mitigation for impacts to waters of the state through a combination of onsite preservation and creation, and purchase of mitigation bank credits. Any deviations from, or revisions to, the following compensatory mitigation shall be pre-approved by Central Valley Water Board staff.

a. Onsite Compensatory Mitigation

The Project will include ±186 acres of on-site open space preserve, which includes 42.282 acres of preserved and 0.480 acres of created Waters of the U.S. The open space preserve will be protected under a conservation easement, and funded and managed in perpetuity by a third party according to the *Draft Open Space Long-Term Management Plan for the Tesoro Viejo Development Project,* revised January 2017, incorporated herein by reference. To demonstrate compliance with the onsite compensatory mitigation requirements, the Permittee shall:

i. **Prior to commencement of construction**, provide evidence to the Central Valley Water Board that an endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.

ii. **Within 240 days of the effective date of the Certification**, submit to the Central Valley Water Board, a copy of a recorded conservation easement for the on-site open space preserve.

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

b. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

i. Prior to commencement of construction, submit a copy to the Central Valley Water Board of the fully executed agreement for the purchase of 9.32 wetland creation mitigation credits from the Grasslands Mitigation Bank and 1.3 vernal pool preservation credits from the Kennedy Table Conservation Bank.

2. Total Required Compensatory Mitigation

a. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

Table 5: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area[5]

Feature Type	Direct Impact Acreage	Indirect Impact Acreage	Off-site Preservation Acreage*	On-site Preserve Acreage	Preservation Ratio	Off-Site Mitigation Bank Credits**	On-Site Creation Acreage	Creation Ratio
Vernal pool	0.110	0.325	1.300	0.000	3:1	0.110	0.000	1:1
Wetland	1.611	0.000	0.000	8.635	5.3:1	1.611	0.000	1:1
Wetland channel	1.374	0.458	0.000	31.136	22.7:1	1.855	0.480	1.275:1
Non-wetland channel	2.998	0.000	0.000	2.511	0.84:1	2.998	0.000	1:1
Canal	4.943	0.000	0.000	0.000	0:1	2.746	0.000	0.55:1

*Kennedy Table Conservation Bank

**Grasslands Mitigation Bank Seasonal Wetland Creation Credits

J. Certification Deviation

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

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA

[5] For Staff use only: Record quantities in CIWQS table side A for Compensatory Mitigation for Permanent Physical Loss of Area.

environmental document such that the Project no longer qualifies for a categorical exemption. In this case a supplemental environmental review and different Order will be required.

XIV. Water Quality Certification

I hereby issue the Order for the Tesoro Viejo Master Planned Community Project, WDID 5B20CR00087, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Clay L - Rodgers
for Pamela C. Creedon
Executive Officer
Central Valley Regional Water Quality Control Board

6/5/2017
Date

Attachment A Project Map
Attachment B Receiving Waters, Impact, and Mitigation Information
Attachment C CEQA Findings of Facts
Attachment D Report and Notification Requirements
Attachment E Signatory Requirements
Attachment F Certification Deviation Procedures

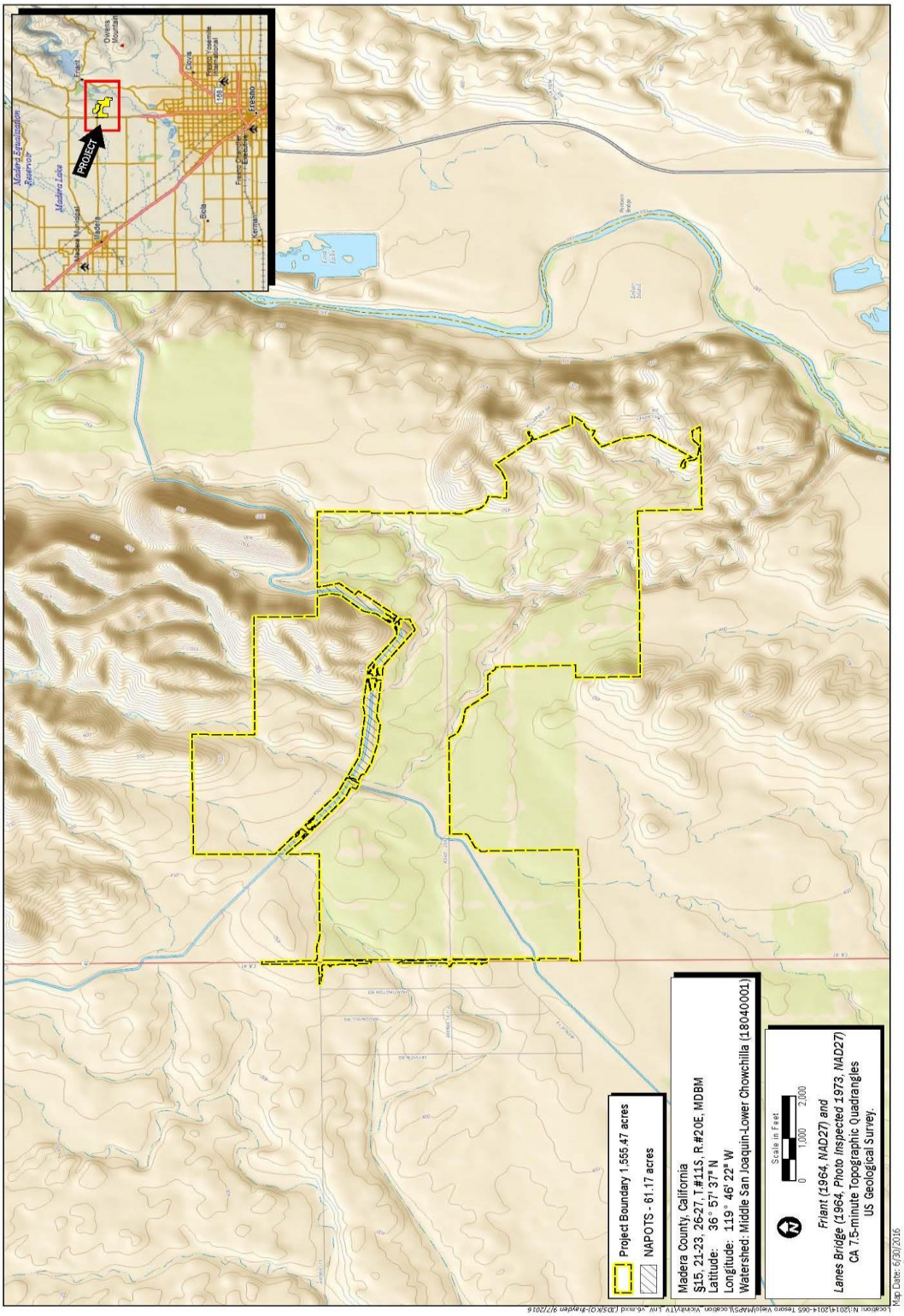
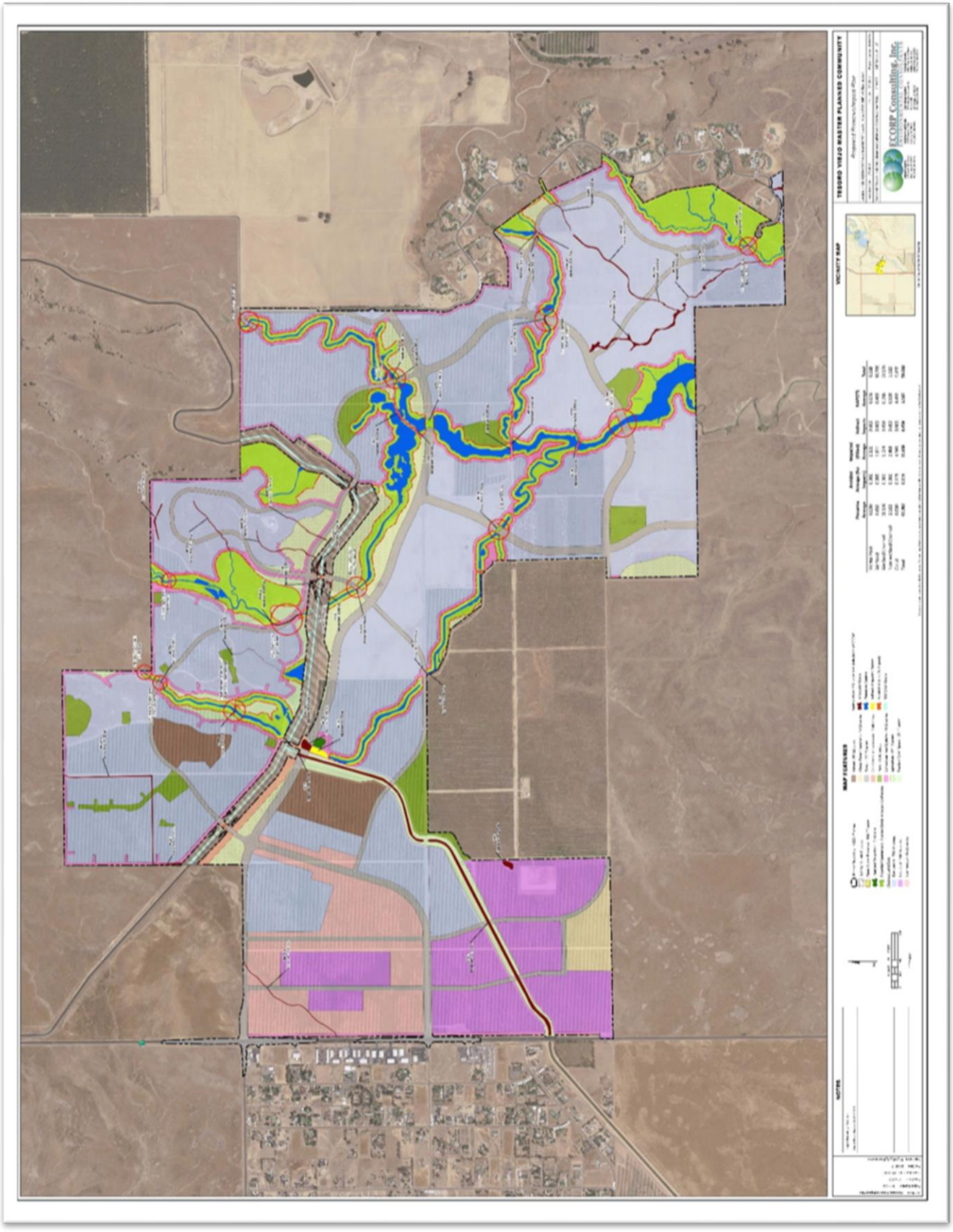


Figure 1. Project Location and Vicinity
2014-065 Tesoro Viejo Master Planned Community


TESORO VIEJO MASTER PLANNED COMMUNITY
ECORP Consulting, Inc.
VICINITY MAP
NOTES

Receiving Waters

The following table shows the receiving waters associated with the project site.

Table 1: Receiving Water(s) Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
Wetland Channel, Wetlands, Non-wetland channel, vernal pools	Tributary to San Joaquin River	Un-vegetated streambed, wetlands, vernal pools	545.30	San Joaquin River, Friant Dam to Mendota Pool	MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MGR, SPWN, WILD	Invasive Species
Canal – C01a, C01b	Lateral 6.2	Canal	545.30	Lateral 6.2, tributary to Root Creek	AGR, WARM, GWR	N/A

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information

ID No.	Acreage	Linear Feet	Feature Type	Latitude	Longitude
C01a	3.183	1,055	Canal	-119.788851	36.956796
C01b	1.760	745	Canal	-119.781345	36.961847
NWC01	0.728	775	Non-wetland Channel	-119.781672	36.971414

ID No.	Acreage	Linear Feet	Feature Type	Latitude	Longitude
NWC02	0.189	84	Non-wetland Channel	-119.768043	36.97023
NWC03	0.197	285	Non-wetland Channel	-119.768286	36.968005
NWC03	0.159	140	Wetland Channel	-119.773023	36.964991
NWC04	0.225	337	Non-wetland Channel	-119.769455	36.965168
NWC05	0.150	210	Non-wetland Channel	-119.76853	36.964185
NWC07	0.583	523	Non-wetland Channel	-119.755549	36.951934
NWC08	0.013	13	Non-wetland Channel	-119.753694	36.954992
NWC16	0.021	886	Non-wetland Channel	-119.774889	36.966253
NWT01	0.010	14	Non-wetland Channel	-119.775553	36.970774
NWT01	0.018	32	Non-wetland Channel	-119.776069	36.97012
NWT02	0.031	23	Non-wetland Channel	-119.75823	36.966505
NWT06a	0.060	91	Non-wetland Channel	-119.757527	36.94974
NWT06b	0.066	98	Non-wetland Channel	-119.757009	36.948622
NWT06c	0.302	302	Non-wetland Channel	-119.755955	36.947459
NWT06c	0.021	22	Non-wetland Channel	-119.754549	36.94648
NWT07	0.087	1,543	Non-wetland Channel	-119.752925	36.953907
NWT10	0.337	564	Non-wetland Channel	-119.791952	36.965142
WC01	0.122	128	Wetland Channel	-119.785103	36.969751
WC02	0.014	12	Wetland Channel	-119.771026	36.96974
WC03	0.018	19	Wetland Channel	-119.771477	36.962241
WC06	0.001	2	Wetland Channel	-119.761018	36.960791
WC06	0.070	18	Wetland Channel	-119.761115	36.960657
WT01	0.010	3	Wetland Channel	-119.777497	36.967175
WT04	0.003	3	Wetland Channel	-119.779089	36.964583
WT05	0.388	49	Wetland Channel	-119.77926	36.964338
WT07	0.005	3	Wetland Channel	-119.775769	36.959506
WT07	0.013	15	Wetland Channel	-119.775666	36.959224
WT08	0.102	40	Wetland Channel	-119.768584	36.956565
WT09	0.005	1	Wetland Channel	-119.764484	36.955996
WT09	0.002	1	Wetland Channel	-119.764382	36.953403

ID No.	Acreage	Linear Feet	Feature Type	Latitude	Longitude
WT10	0.001	1	Wetland Channel	-119.764431	36.953352
WT11	0.001	4	Wetland Channel	-119.763638	36.959781
WT11	0.364	35	Wetland Channel	-119.763252	36.959297
WT11	0.003	1	Wetland Channel	-119.764718	36.956065
WT16	0.015	14	Wetland Channel	-119.754028	36.954928
WT16	0.064	44	Wetland Channel	-119.758164	36.954635
WT17	0.014	6	Wetland Channel	-119.753831	36.955005
VP02	0.005	37	Vernal Pool	-119.77146	36.963881
VP03	0.008	25	Vernal Pool	-119.771299	36.963908
VP04	0.014	42	Vernal Pool	-119.771112	36.96389
VP05	0.083	235	Vernal Pool	-119.770431	36.963818
W07	0.008	20	Wetland	-119.762914	36.960497
W11	0.268	188	Wetland	-119.785274	36.956283
W16	0.010	4	Wetland	-119.771886	36.967898
W19	1.238	570	Wetland	-119.758956	36.950937
W20	0.096	45	Wetland	-119.751717	36.945249

Compensatory Mitigation Information

Mitigation Bank Compensatory Mitigation Site Information

Table 3 - Mitigation Banks

Mitigation Bank	Name:	Grasslands Mitigation Bank
	Website:	http://www.wesmitigation.com/cabanks/grasslands-mitigation-bank/
Contact Information	Name:	Travis Hemmen
	Phone:	(916) 646-3644
	Email:	themmen@westerveltecologicalservices.com
Mitigation Location	County:	Merced
	Latitude:	37° 8’ 10” North
	Longitude:	120° 54’ 7” West

Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Seasonal Wetland Creation	9.32	n/a	9.32

Mitigation Bank	Name:	Kennedy Table Conservation Bank
	Website:	https://www.fws.gov/sacramento/es/Conservation-Banking/Banks/In-Area/es_conse-bank-in-area.htm
Contact Information	Name:	Lydia M. Miller/Bill Hatch – San Joaquin Valley Conservancy
	Phone:	(209) 723-9283
	Email:	sjvc.ca@sbcglobal.net
Mitigation Location	County:	Madera
	Latitude:	37.1327261°
	Longitude:	-119.6062525°

Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool Ecosystem Preservation	1.30	N/A	1.30

Table 4 – Onsite Preservation

Proposed Property Owner	Name:	The River Conservancy at Tesoro Viejo		
Designated Easement Holder	Name:	Sierra Foothill Conservancy		
Mitigation Location		County: Madera		
		Latitude:	39.96°	Wetland and Open Space Area
Tesoro Viejo Development Project		Longitude:	-119.77 °	186.3 total acres
Aquatic Resource Credit Type		Mitigation Quantity		
		Acres		
Wetland Preservation		8.635		
Wetland Channel Preservation		31.136		
Non-wetland Channel Preservation		2.511		
Wetland Channel Creation		0.480		

A. Environmental Review

On 5 November 2012, the Madera County Board of Supervisors, as lead agency, certified a Final Revised Environmental Impact Report (FREIR) (State Clearinghouse (SCH) No. 2006111123) for the Project and filed a Notice of Determination (NOD) at the Madera County Clerk's office on 5 November 2012. Additionally, on 26 July 2016, the Madera County Planning Department approved Addendum #2016-01 to the FREIR for the Lateral 6.2 Canal under grounding and filed a NOD at the Madera County Clerk's office on 26 July 2016. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that Madera County's certified environmental documents comport with the requirements of CEQA and are valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental documents and find that the environmental documents prepared by Madera County address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental documents include the mitigation monitoring and reporting program (MMRP) developed by Madera County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FREIR, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FREIR which is incorporated herein by reference. The Project FREIR is available at: http://maderacounty.com .

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

The FREIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

(1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

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

a.i. Potential Significant Impact:

Impact 4.4-10 The Proposed Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act. This is a potentially significant impact. However, compliance with state and federal wetlands regulations and implementation of mitigation measures MM4.4-4(d), MM4.4-9(a), MM4.4-9(b), and MM4.4-11(a) would reduce this impact to a less-than-significant level.

Impact 4.8-1 Construction of the Proposed Project could increase storm water pollutant loads or concentrations, but would not result in a violation of water quality standards or violation of waste discharge requirements. This is considered a less-than-significant impact.

Impact 4.8-2 Operation of the Proposed Project would increase pollutant loads that could result in a potentially significant impact on violation of water quality standards or a substantial degradation of water quality. This is considered a potentially significant impact. However, implementation of mitigation measures MM4.8-2(a) and MM4.8-2(b) would reduce this impact to a less than-significant level.

Impact 4.8-5 Construction and operation of the Proposed Project would alter the existing drainage patterns of the site, which could result in substantial erosion or siltation on or off site. This is considered a potentially significant impact. However, implementation of mitigation measures MM4.8-2(a), MM4.8-2(b), and MM4.8-2(c) would reduce this impact to a less-than-significant level.

Impact 4.8-6 Implementation of the Proposed Project would alter the existing drainage patterns of the site, and could substantially increase the rate or amount of surface runoff such that flooding would occur on site. This is considered a less-than-significant impact.

Impact 4.8-7 Implementation of the Proposed Project would not create or contribute runoff water that could exceed the capacity of existing or planned storm water drainage systems, but could provide substantial additional sources of polluted runoff. This is considered a potentially significant impact. However, implementation of mitigation measures MM4.8-2(a), MM4.8-2(b), MM4.8-2(c), and MM4.8-3(a) or MM4.8-3(b) would reduce this impact to a less-than-significant level.

Impact 4.8-8 Implementation of the Proposed Project would create a new storm water drainage system, including detention basins. This is considered a potentially significant impact. However, implementation of mitigation measures MM4.8-2(a), MM4.8-2(b), and MM4.8-2(c) would reduce this impact to a less-than-significant level.

Impact 4.8-9 Implementation of the Proposed Project could substantially degrade surface and groundwater quality by reducing flows to riparian and wetland habitat in the existing and retained natural drainage features.

This is considered a potentially significant impact. However, implementation of mitigation measures MM4.8-9(a) and MM4.8-9(b) would reduce this impact to a less-than-significant level.

a.ii. Facts in Support of Finding (Mitigation Measures):

MM4.4-4(d) *Prior to construction activities for the Off-Site Avenue 15 Pipeline, including mobilization, staging, or ground disturbance activities (e.g., ripping, excavation, and grading), the Project Applicant shall retain a qualified biologist to monitor the installation of temporary silt fencing along the south side of Avenue 15 and the proposed alignment, which occur within 25 feet of sensitive areas, including vernal pools, potential jurisdictional resources, and suitable aquatic habitat for CTS and western spadefoot toad. Upon completing the installation of the silt fencing, the qualified biologist shall be inspect all fencing to verify it has been installed in the appropriate locations and it will be effective in serving as a protective barrier to construction-related activities. The temporary silt fencing shall be monitored and repaired by the Construction Contractor, as appropriate, throughout the duration of construction activities. The fencing shall be removed and properly disposed of by the Construction Contractor upon completion of construction activities.*

MM4.4-9(a) *Permanently impacted sensitive habitat that cannot be avoided shall be replaced or restored on site at a minimum 1:1 ratio for temporary and 2:1 for permanent impacts under a mitigation plan approved by the CDFG under Section 1600 of the California Fish and Game Code, (and/or other appropriate agency such as the U.S. Army Corps of Engineers for 404 wetlands). A vegetation and mitigation monitoring plan shall be prepared and approved by the CDFG and/or U.S. Army Corps of Engineers prior habitat modification.*

MM4.4-9(b) *The Project Applicant shall include adequate signage and appropriate fencing adjacent to any sensitive habitats that remain or are created through mitigation. A signage and fencing plan shall be developed with the CDFG, but at a minimum "Sensitive habitat" signs shall be installed along the sensitive habitat boundaries every 100 feet. The signs would inform the public of the sensitive habitat and species in the area and that unauthorized disturbance could be subject to penalties imposed by the CDFG and USFWS. Fencing shall be designed to allow free movement of wildlife, but restrict human movement.*

MM4.4-11(a) *As identified in Madera County General Plan Policy 5.E.1, a minimum 200-foot wildlife corridor buffer will be established and maintained in perpetuity along the undeveloped portions of the San Joaquin River's riparian corridor. Policy 3.6.1 from the Tesoro Viejo Specific Plan states that all existing drainage channels shall be public open space from top-of-bank to top-of-bank. In addition, as required by Madera County General Plan Policy 5.D.4, on either side of the primary (main) drainage*

channel wildlife corridor buffer zones of 100 feet, as measured from the top of bank of un-vegetated portion of the channel, or 50 feet as measured from the outer edge of any riparian canopy shall be established. No lighting shall occur within the buffer area. If passive recreational trails limited to daytime use are proposed in the buffer area, the specific types of uses and/or the terms under which these uses could be developed in the buffer areas would be subject to review and approval by the County, with the input of a qualified biologist.

MM4.8-2(a) *In order to provide flexibility in the design of the detention basins, yet to provide enough technical detail to satisfy the requirements of CEQA, one (or a combination) of the design options identified in mitigation measure MM4.8-2(a) shall be implemented, or another design option providing the same level of detention and treatment (detention) shall be provided.*

Potential operational characteristics of the detention basins are described below:

- *Wet Pond. The storm water detention basins could operate as storm water wet ponds if a permanent pool of water is maintained (i.e., the bottom of the basin intersect the local shallow groundwater table). Wet ponds treat incoming storm water runoff by settling and algal uptake. The primary removal mechanism is settling while storm water runoff resides in the pool. Nutrient uptake also occurs through biological activity in the pond. While there are several different versions of the wet pond design, the most common modification is the extended detention wet pond, where storage is provided above the permanent pool in order to detain storm water runoff in order to provide greater settling.*

- *Dry Extended Detention Pond. If all storm water infiltrates or is discharged through control structures such that the pond completely drains within a certain time frame (e.g., 24 to 72 hours), the basins would function as dry extended detention ponds. Dry extended detention ponds (e.g., dry ponds, extended detention basins, detention ponds, and extended detention ponds) are basins whose outlets are designed to detain the storm water runoff from a water quality "storm" for some minimum duration, which allow sediment particles and associated pollutants to settle out. Unlike wet ponds, dry extended detention ponds do not have a permanent pool. However, dry extended detention ponds are often designed with small pools at the inlet and outlet of the pond, and can also be used to provide flood control by including additional detention storage above the extended detention level.*

- *Storm Water Wetland. If basins are designed to have some standing water in a shallow pool for an extended period of time, they may act as storm water wetlands. Storm water wetlands are structural practices similar to wet ponds that incorporate wetland plants in a shallow pool. As storm water runoff flows through the wetland,*

pollutant removal is achieved by settling and biological uptake within the practice. Storm water wetlands are designed specifically for the purpose of treating storm water runoff, and typically have less biodiversity than natural wetlands both in terms of plant and animal life.

MM4.8-2(b) *Storm water Quality Management Plan. The Project Applicant shall prepare and implement an approved Storm Water Quality Management Plan (SQMP) and obtain coverage under the Small MS4 General Permit. The following standard storm water quality BMPs, or similar practices, shall be required in the SQMP.*

Education

- *Educational materials concerning storm water quality protection shall be provided to the owner of the development and BMPs and shall be distributed to all employees. Educational materials shall also be provided to residents and commercial building occupants.*
- *A spill contingency plan shall be provided to employees in the commercial and light industrial portions of the Proposed Project in accordance with Section 6.95 of the California Health and Safety Code.*
- *The maintenance program shall include signage that informs the public that there is "no dumping allowed" in storm drains.*

Operations and Maintenance

- *A BMP Operations and Maintenance Program (OMP) shall be developed and implemented to ensure continued functioning and effectiveness of BMPs and shall be incorporated as part of the SQMP. The BMP OMP shall include, at a minimum, inspection and maintenance of all structural BMPs on the property; a report of non-structural BMP operating protocols, inspection, and compliance; and reporting requirements. The BMP OMP must be approved by the County of Madera Director of Public Works or their designate prior to the beginning of occupancy. The owner shall be responsible for the BMP OMP. The BMP OMP can be administered through lease agreements assigning responsibility to the occupants or creation of a separate entity with responsibility. If property titles are transferred, the new owner shall be responsible for their respective portion of the BMP OMP.*
- *Stabilization of all disturbed areas through revegetation or other erosion control practices. Mulch, plastic sheeting, erosion control blankets, or sandbags shall be used to control erosion caused by rainfall until surfaces have been stabilized.*
- *The storm drain system shall incorporate common area catch basins that shall be inspected and cleaned monthly. They shall also be inspected before, during and after storms.*
- *Storm drain inlet trash racks shall be inspected, and maintained before, during and after storms.*

- *For both the residential and commercial portions of the Proposed Project, open areas shall be maintained neat, clean, and free from trash or debris at all times, to prevent contamination of storm water and to ensure proper drainage. The site shall be inspected weekly, and trash would be cleaned up. For the commercial area, trash storage areas would be constructed.*
- *Streets and parking lots shall be swept weekly during the wet weather season beginning October 15 through April 30. During the dry season, streets and parking lots shall be swept every two weeks. A dry vacuum-assisted street sweeper shall be used.*
- *Operation and maintenance BMPs for public and commercial area irrigation and landscaping shall include weekly inspection, clean up and maintenance, and quarterly adjustment of irrigation systems.*

Landscaping Requirements

- *Landscaped areas shall be designed to maximize natural water storage and infiltration opportunities.*
- *Pesticides in common areas must be applied by an applicator certified by the State of California.*
- *All irrigation systems for public and commercial area shall be designed to incorporate water efficient irrigation technologies and shall be adjusted quarterly for maximum efficiency.*
- *All irrigation operations shall not cause or contribute to nuisance runoff conditions.*

Nutrient and Pesticide Management Plan (NPMP)

- *The NPMP shall include requirements and recommendations for nutrient and pesticide handling, use, and disposal to minimize transport of landscape and lawn chemicals in storm water runoff or infiltration to groundwater.*
- *The NPMP shall detail individual, private property requirements and recommendations, as well as public area requirements and maintenance practices.*
- *Quick-release fertilizers shall not be allowed for any application; organic fertilizers and use of reclaimed water shall be encouraged.*
- *All contractors maintaining public landscaped areas shall be trained in accordance with the NPMP practices and shall comply with provisions set forth.*
- *Each resident shall be provided with a copy of the NPMP and an accompanying fact sheet identifying individual responsibilities.*

Other BMPs

- *Erosion control and drainage BMPs shall be implemented where required; appropriate paving of exposed ground surfaces, landscaping, providing terraces on slopes, placing berms at the*

tops of slopes, velocity dissipation devices at all outlets, and installing adequate storm drain systems shall be used where necessary. Porous paving is suggested in the IMP. Porous paving shall be used to the maximum extent practicable and shall consist of either vegetated, graveled, pervious concrete, or pervious asphalt materials; porous pavement blocks shall not be used unless the SQMP associated OMP details maintenance protocols to ensure continued functioning and effectiveness.

- *Graded slopes shall be protected until healthy plant growth or other soil stabilization is established.*
- *Proposed new slopes shall be protected with planting of shrubs and ground cover to assist in rainwater absorption and erosion control.*
- *Landscape buffers shall be placed between residential and commercial areas, except in mixed-use areas.*
- *Roof top runoff shall be directed to landscaped areas, swales, rain gardens, biofiltration devices, filter strips, or other filtration and treatment BMP, to the maximum extent practicable.*
- *The Proposed Project commercial, institutional, and light industrial areas shall have extensive foundation planting with shrubs and other ground cover to the maximum extent practicable. Roof runoff shall drain into these landscaped areas and runoff that does not infiltrate therein, would drain to catch basins.*
- *Parking lots shall be designed to drain to landscaped areas, biofiltration areas, swales, or other filtration/treatment BMPs prior to entering the storm drain system.*
- *Parking lots, streets, and sidewalks shall be designed to minimum feasible widths.*
- *Implement water conservation practices similar to those specified in Madera County Code Section 13.55.020, except in such situations where excess reclaimed water is available for the use.*

Performance Standards

- *The selected storm water quality BMPs incorporated in the SQMP shall be targeted to reduce storm water pollutant loads to existing conditions levels. In combination, the BMPs shall have expected pollutant removal rates targeted to reduce Project Site storm water pollutant loads by at least as much as listed in the "Required Removal" column of Table 4.8-4 (Estimated Pollutant Loads Without BMPs).*
- *Storm water detention basins shall be designed for effectiveness in reducing pollutant loads, as well as detaining storm water runoff flows. The potential pollutant removal of these storm water detention basins shall be included in the overall SQMP design to meet target*
- *The design, construction, and maintenance of structural BMPs shall be in accordance with the California Storm Water Quality Association New Development and Redevelopment Handbook (CASQA 2004) or other established guidelines and handbooks*

(such as the FMFCD standards and guidelines or Caltrans BMPs), and applicable regulations for storm water quality BMPs.

Preferred BMPs

- *If deemed acceptable by Madera County, underground or above-ground cisterns should be considered for storm water detention and subsequent landscape irrigation where implementation would not result in additional substantial environmental impacts.*
- *Maximize the use of dry swales, or grassed/vegetated channels, where soil infiltration conditions are sufficient, to treat storm water runoff prior to discharge to the Proposed Project storm drain system.*
- *Porous concrete/asphalt is preferred for parking lots and other areas where heavy traffic and vehicles would not be a design constraint. Porous concrete/asphalt would effectively reduce the amount of directly connected impervious area and contributions to storm water runoff when properly designed and implemented.*
- *Bioretention should be used to the maximum extent practicable:*
  - *Landscape areas shall be implemented as bioretention BMPs to the maximum extent practicable, especially in parking lot areas, along medians, and in the buffer area between commercial and residential land uses. They are intended to receive and filter storm runoff from both impervious areas and lawns.*
  - *Parking lots and streets draining into bioretention areas should drain as sheet flow or should have curbs with curb inlets regularly spaced to accept drainage into the swale.*

Limitations on BMPs

- *Underground sand filters shall not be used unless provisions are made to remove ammonia and other nitrogen sources prior to discharge to the sand filters. This is because underground sand filters may increase nitrate concentrations as ammonia in the storm water undergoes nitrification in the filter environment.*
- *Flow velocity through grassed swales and channels shall not exceed 5.2 feet per second through the swale.*
- *Bioretention system must not be placed into operation until the contributing drainage area is completely stabilized. Therefore, system construction must either be delayed or upstream runoff diverted around the system until such stabilization is achieved. Such diversions must continue until stabilization is achieved.*

Limitations on Infiltration BMPs

- *Infiltration rate tests of the top 5-feet of soil below the bottom of the infiltration BMP shall be conducted for all areas selected for Infiltration BMPs. Infiltration BMPs shall not be located in soils where the infiltration rate exceeds 10 inches per hour or is less than 0.1 inch per hour, unless suitable augmentation is*

incorporated into the design to effectively remove pollutants from the infiltrating storm water.

- *Infiltration BMPs shall not be installed until the drainage area has been stabilized.*
- *All infiltration BMPs shall incorporate pretreatment, preferably in the form of swales, vegetated buffers, or bioretention areas.*
- *Infiltration facilities are subject to clogging and, therefore, are not recommended for areas where sediment, grease, or oil loadings may be high. Such areas include roadways, parking lots, car service facilities, and others. To increase the life expectancy of an infiltration facility, a pretreatment facility, such as a settling basin or "cell," or additional BMPs in a series should be used to remove sediments or other substances from the storm water runoff before it enters the infiltration facility.*
- *Any pretreatment facility design should be included in the design of the infiltration basing/trench, complete with maintenance and inspection requirements.*
- *For infiltration trenches, a grass strip or other type of vegetated buffer at least 20 feet wide shall be maintained around the trench, to the maximum extent practicable, and accept surface runoff as sheet flow.*
- *Storm water runoff that has the potential to reach the groundwater table through infiltration or other means should be treated sufficiently prior to release such that additional filtration, through soil percolation, would reduce potential pollutants to levels that would not result in exceedance of existing groundwater quality.*
- *Concrete swales and v-ditches shall not be installed and used to convey storm water or nuisance runoff unless used to direct runoff to an appropriate storm water pre-treatment BMP and incorporates appropriate energy dissipation. Concrete swales and v-ditches would bypass any potential treatment through soils or buffer areas prior to discharge and increase the potential for concentrated flows and associated erosion at the outlet. Furthermore, concrete ditches would reduce the potential for groundwater recharge and water conservation.*

MM4.8-2(c) *Identify an entity to manage the operation and maintenance of the on-site storm water and water quality management systems, such as the storm water detention basins. The entity shall be responsible for on-site management system maintenance and performance goals, and shall establish a Storm Water and Water Quality management program, which shall include the following:*

- *Public outreach*
- *Technical guidelines for site evaluation, design, construction, and operation of BMPs*
- *Regular system inspections*
- *Technical training of staff*
- *Funding mechanisms*

MM4.8-9(a) *Design Detention Basin and Outlets to Re-establish Existing Conditions Flows. The Project shall conduct a hydrology study to determine the existing flow to the retained water resources and shall design the up-gradient detention basins' configurations and outlet structures to pass through the existing conditions flows to down-gradient receiving water resources.*

- *A low-flow channel or by-pass shall be included in the basin design to allow existing low flow runoff of storm water to pass through to down-gradient receiving waters.*
- *The outlet structure shall be designed to allow discharge of larger storm flows (10-year to 100-year storm events) at the existing rate, volume, and duration.*

MM4.8-9(b) *Storm Water Quality Treatment BMPs. The WQMP shall be modified to incorporate sufficient storm water quality BMPs prior to discharge into the detention basins to sufficiently treat storm water runoff such that pollutant concentrations in flows that must bypass treatment conditions of the detention basins, pursuant to mitigation measure MM4.8-9(a), shall be targeted to achieve discharge concentrations that do not exceed existing conditions levels.*

- *Source control and treatment BMPs shall be implemented prior to storm water discharge into the storm drain system and they shall be designed to target for reductions in pollutant concentrations by the amount listed in the table below:*

Pollutant Reduction Targets for Passed-Through Storm Water Runoff

Pollutant Reduction Targets for Passed-Through Storm Water Runoff

Pollutant	*Commercial Areas (percent)*	*Residential Areas (percent)*
Filtered phosphorous	0	24
Total Nitrogen	54	47
Inorganic-Nitrogen	64	44
Total Copper	41	17
Total Lead	44	17
Total Zinc	73	45
Oil and Grease	72	67
Fecal Coliforms	0	13

SOURCE: PBS&J 2007

[1] Total Suspended Solids and Total Phosphorous concentrations would not increase

- *BMPs implemented before discharge to the storm drain systems shall be designed to treat only the amount of storm water runoff equivalent to existing conditions runoff.*
- *This mitigation measure is intended to constrain design of the project, and is not intended to impose post-construction or on-going water quality testing requirements.*

(2) Findings regarding mitigation measures which are the responsibility of another agency. (Pub. Resources Code, § 21081, subd. (a)(2); Cal. Code Regs., tit. 14, §15091, subd.(a)(2).)

There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley *Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency*.

a.i. Potential Significant Impact:

Impact 4.4-3	Implementation of the Proposed Project could result in the loss of the western pond turtle. This is a potentially significant impact. However, implementation of mitigation measure MM4.4-3 would reduce this impact to a less-than-significant level.
Impact 4.4-4	Implementation of the Proposed Project and Off-Site Avenue 15 Pipeline alternative could result in the loss of the California tiger salamander and/or its designated critical habitat. This is a potentially significant impact. However, implementation of mitigation measures MM4.4-4(a) and, MM4.4-4(b), MM4.4-4(c), and MM4.4-4(d) would reduce this impact to a less-than-significant level.
Impact 4.4-4(a)	Implementation of the Off-Site Avenue 15 Pipeline alternative could result in the loss or degradation of habitat for the vernal pool fairy shrimp, including its designated Critical Habitat. This is a potentially significant impact. However, implementation of mitigation measures MM4.4-4(c) and MM4.4-4(d) would reduce this impact to a less-than-significant level.
Impact 4.4-5	Implementation of the Proposed Project and Off-Site Avenue 15 Pipeline alternative could result in the loss or degradation of habitat for the western spadefoot. This is a potentially significant impact. However, implementation of mitigation measures MM4.4-4(a), MM4.4-4(b), MM4.4-4(c), MM4.4-4(d), and MM4.4-5 would reduce this impact to a less than-significant level.
Impact 4.4-8(a)	Implementation of the Off-Site Avenue 15 Pipeline alternative could result in the loss or degradation of habitat for fleshy owl's-clover, hairy Orcutt grass, and San Joaquin Orcutt grass, including designated Critical Habitat. This is a potentially significant impact. However, implementation of mitigation measures MM4.4-4(c) and MM4.4-4(d) would reduce this impact to a less-than-significant level.
Impact 4.4-9	The Proposed Project could have a substantial adverse effect on Great Valley Mixed Riparian Forest or other riparian habitat. This is a potentially significant impact. Compliance with local and state wetland and riparian protection policies and implementation of mitigation measures MM4.4-4(d), MM4.4-9(a), MM4.4-9(b), and MM4.4-11(a)

would reduce this impact to a less-than-significant level.

a.ii. Facts in Support of Finding (Mitigation Measures):

MM4.4-3 Loss of Western Pond Turtle

(1) Before any ground-disturbing construction activities begin within 150 feet of potential habitat, the Project Applicant shall retain a qualified biologist to conduct focused surveys for western pond turtle to determine the presence or absence of this species on the Project Site. Surveys shall meet the requirements of current CDFG protocols as appropriate and must be conducted every year in which construction activities would occur within potential habitat for this species and must comply with the following conditions. Surveys shall occur before April 1 to allow evaluation of the population before the turtle nesting season.

(2) If western pond turtles are not found on the Project Site, a letter report documenting survey methods and findings shall be submitted to CDFG at least 5 days before construction.

(3) If juvenile or adult turtles are found on the Project Site, the individuals shall be moved to suitable habitat out of the construction site with technical assistance from CDFG, as needed. All relocation shall occur prior to April 1 unless otherwise allowed by CDFG. If a nest is found in the construction area, CDFG shall be notified immediately to determine appropriate measures to protect or relocate the nest.

MM4.4-4(a) Prior to the issuance of a grading permit, the Project Applicant shall perform protocol level habitat assessment for the California Tiger Salamander (CTS) within the Project Site. The results shall be submitted to the USFWS and if needed, the Project Applicant shall initiate an informal consultation with the USFWS to discuss measures to avoid potential take of CTS. Although details of these measures would be developed in consultation with the USFWS, they are likely to include:

- *Retaining a qualified biologist to conduct a preconstruction survey of the Project Site area to ensure that no potential upland retreat habitat has been created (i.e., through ground squirrel activity) since the 2005 habitat assessment.*
- *Seasonal restrictions on grading and construction to avoid the wet season dispersal period.*
- *Installation of drift fences around the perimeter of the construction area to prevent any CTS from moving into the area.*
- *Retaining qualified biologists to monitor the Project Site area during construction to ensure that no CTS are harmed.*

MM4.4-4(b) If CTS are found within an area that would be directly or indirectly impacted by the Proposed Project, the Project Applicant and/or their representatives shall initiate consultation with the USFWS pursuant to Section 7 or 10 of the FESA to obtain an incidental take permit for loss of

individual CTS. Detail of the requirements of the Incidental Take Permit would be developed during consultation with the USFWS, but are likely to include (but not be limited to) the following:

- *Preparation of a Biological Assessment pursuant to Section 7 of the FESA for submission to the USFWS for their review.*
- *Conservation of designated critical habitat that meets the species habitat requirements, or payment of mitigation fees, and/or purchase of mitigation land to compensate for the loss of CTS habitat.*
- *Retaining a CTS permitted biologists to monitor for, and potentially move CTS outside of the Project Site area.*

MM4.4-4(c) *If construction activities for the Off-Site Avenue 15 Pipeline would occur before July 1, including mobilization, staging, or ground disturbance activities (e.g., ripping, excavation, and grading), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of the alignment and immediate vicinity (approximately 100 feet beyond the alignment in all directions) to confirm that all vernal pools and other seasonally wet habitats capable of supporting active CTS have completely dried. The survey shall verify the onset of the dry season in the region and that CTS potentially occurring in the alignment vicinity are positively aestivating in underground refugia and are not dispersing or migrating aboveground. The results of the pre-construction survey shall be documented in a report prepared by the qualified biologist and the report shall be submitted to the County. Construction of the Off-Site Avenue 15 Pipeline shall not commence until it has been verified by the County, in writing, that the activities would be restricted to the dry season and would not directly or indirectly impact CTS or its habitat, or other special-status vernal pool species and their habitat, as determined by the qualified biologist. In the unlikely event that CTS are found within an area that would be directly or indirectly impacted by the Off-Site Avenue 15 Pipeline, the Project Applicant shall implement mitigation measure MM4.4-4(b).*

MM4.4-5 *The aquatic habitat that could potentially be occupied by western spadefoot shall be determined through surveys conducted during the appropriate season (generally February, but dependent on rainfall), by a qualified biologist, as determined by the County. Those areas that are found to support western spadefoot shall be avoided, if feasible. If avoidance is not feasible, the CDFG shall be consulted to approve a western spadefoot's adult, larval, or egg mass capture and relocation plan. While there are no set protocols for the capture and relocation of reptile and amphibian species (from areas that will be destroyed to areas of unoccupied suitable habitat), it is a standard measure employed by both the USFWS and CDFG for mitigating the loss of population. When done in combination with habitat restoration and preservation that is required through State and Federal no net loss of wetlands policy, the procedure is known to be successful in preserving displaced populations. This measure would mandate that, to the extent feasible, western spadefoots that are displaced from occupied aquatic habitat destroyed*

during construction, would be relocated to protected areas of suitable habitat, thereby reducing impacts on western spadefoots to less-than-significant levels.

MM4.4-11(b) *To avoid degradation of habitat values for wildlife along the river and the primary drainage portion of the site, areas where automobile headlights could be directed at a 90 degree angle onto the vegetation shall be screened through the placement of a 3–4 foot tall vegetated hedge of native California species or other structural methods that would not additionally hinder wildlife movement through the aforementioned corridor.*

MM4.4-11(c) *Any road crossings through the wildlife movement corridors on site shall incorporate measures to safely facilitate the movement of wildlife under the roadway. These measures shall include, but not be limited to, the use of either bridges or culverts that are large enough that wildlife have enough space to pass through these road crossings without having to travel over the road surface, the implementation of bank stabilization measures, and/or restoration and revegetation of stream corridor habitat that has been damaged by the project's construction. Furthermore, any recreational trails adjacent to the open space corridor shall be lined by post and rail fence and signage would be used to direct trail users and their pets to stay within the designated trail corridor.*

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

Copies of this Form

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

1. Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml

2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

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

   - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.

   - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.

   - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

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

3. **Electronic Report Submittal Instructions:**
   - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleyfresno@waterboards.ca.gov and cc: Debra.Mahnke@waterboards.ca.gov
   - Include in the subject line of the email:
     Subject: ATTN: 401 Certification; Reg. Measure ID: 404797_Report

Definition of Reporting Terms

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

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

approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

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

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

5. **Effective Date:** Date of Order issuance.

Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**
   Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):
   - **GIS shapefiles**: The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
   - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
   - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
   - Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET

Project:	TESORO VIEJO MASTER PLANNED COMMUNITY PROJECT		
Permittee:	Tesoro Viejo, Inc.		
Reg. Meas. ID:	404797	**Place ID:**	822224
Order Effective Date:	5 June 2017		

Report Type Submitted

Part A Project Reporting	
Report Type 1	☐ **Monthly Report**
Report Type 2	☐ **Annual Report**
Part B Project Status Notifications	
Report Type 3	☐ **Commencement of Construction**
Report Type 4	☐ **Request for Notice of Completion of Discharges Letter**
Report Type 5	☐ **Request for Notice of Project Complete Letter**
Part C Conditional Notifications and Reports	
Report Type 6	☐ **Accidental Discharge of Hazardous Material Report**
Report Type 7	☐ **Violation of Compliance with Water Quality Standards Report**
Report Type 8	☐ **In-Water Work/Diversions Water Quality Monitoring Report**
Report Type 9	☐ **Modifications to Project Report**
Report Type 10	☐ **Transfer of Property Ownership Report**
Report Type 11	☐ **Transfer of Long-Term BMP Maintenance Report**
Report Type 12	☐ **Other Report**

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

Print Name [1]	**Affiliation and Job Title**
Signature	**Date**

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

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

Permittee's Signature _____ Date _____

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

Part A – Project Reporting (see your Order for specific reports required for your Project)

Report Type 1	**Monthly Report**
Report Purpose	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	Beginning 60 days from beginning of construction until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	**1. Construction Summary** Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs[1]). If construction has not started, provide estimated start date. **2. Event Summary** Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. **3. Photo Summary** Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. **4. Compliance Summary** **a)** List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. **b)** List associated monitoring reports for the reporting period. **c)** Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. **d)** Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

Report Type 2	**Annual Report**

[1] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the anniversary date of the Project effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below. **<u>During the Active Discharge Period</u>** • **Topic 1: Construction Summary** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status** **<u>During the Post-Discharge Monitoring Period</u>** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status**
Annual Report Topics (1 3)	
Annual Report Topic 1	**Construction Summary**
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	**1.** Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. **2.** Map showing general Project progress. **3.** If applicable: **a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below). **b.** Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	**Mitigation for Temporary Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	**1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.** **2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	**Compensatory Mitigation for Permanent Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	***If not applicable report N/A.** **Part A. Permittee Responsible** **1.** Planned date of initiation of compensatory mitigation site installation**.**

	2. If installation is in progress, a map of what has been completed to date. **3.** If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. **Part B. Mitigation Bank or In-Lieu Fee** **1.** Status or proof of purchase of credit types and quantities. **2.** Include the name of bank/ILF Program and contact information. **3.** If ILF, location of project and type if known.

Part B – Project Status Notifications (see your Order for specific reports required for your Project)

Report Type 3	**Commencement of Construction**
Report Purpose	Notify Central Valley Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	**1.** Date of commencement of construction. **2.** Anticipated date when discharges to waters of the state will occur. **3.** Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. **4.** Construction Storm Water General Permit WDID No.

Report Type 4	**Request for Notice of Completion of Discharges Letter**
Report Purpose	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	**1.** Status of storm water Notice of Termination(s), if applicable. **2.** Status of post-construction storm water BMP installation. **3.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. **4.** Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. **5.** An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 5	**Request for Notice of Project Complete Letter**
Report Purpose	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

Report Contents	**Part A: Mitigation for Temporary Impacts** **1.** A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. **2.** A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. **Part B: Permittee Responsible Compensatory Mitigation** **3.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. **4.** Status on the implementation of the long-term maintenance and management plan and funding of endowment. **5.** Pre- and post-photo documentation of all compensatory mitigation sites. **6.** Final maps of all compensatory mitigation areas (including buffers). **Part C: Post-Construction Storm Water BMPs** **7.** Date of storm water Notice of Termination(s), if applicable. **8.** Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports (see your Order for specific reports required for your Project)

Report Type 6	**Accidental Discharge of Hazardous Material Report**
Report Purpose	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
Report Contents	**1.** The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. **2.** If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. **3.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 7	**Violation of Compliance with Water Quality Standards Report**
Report Purpose	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley

	Water Board staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

Report Type 8	**In-Water Work and Diversions Water Quality Monitoring Report**
Report Purpose	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
When to Submit	Seven (7) days prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water quality monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIII.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIII.C.3.

Report Type 9	**Modifications to Project Report**
Report Purpose	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
When to Submit	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
Report Contents	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

Report Type 10	**Transfer of Property Ownership Report**
Report Purpose	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	**1.** A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: **a.** the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and **b.** responsibility for compliance with any long-term BMP[2] maintenance plan requirements in this Order. **2.** A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

[2] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

Report Type 11	**Transfer of Long-Term BMP Maintenance Report**
Report Purpose	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

Report Type 12	**Other Report**
Report Purpose	Required by Order condition.
When to Submit	As stated within the Order.
Report Contents	As stated within the Order.

SIGNATORY REQUIREMENTS

All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:

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

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

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

    a) The authorization is made in writing by a person described in items 1.a through 1.c above.
    b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
    c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

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

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

CERTIFICATION DEVIATION PROCEDURES

Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XIII.I of the Order, may be requested by the Permittee as set forth below:

Process Steps

Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

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

1. Describe the Project change or modification:
    a. Proposed activity description and purpose;
    b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
    c. How the Project activity is currently addressed in the Order; and,
    d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

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

Annual Summary Deviation Report:

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