

---

## Central Valley Regional Water Quality Control Board

16 July 2025

Kevin Fredrickson  
KB Home  
4830 Business Center, STE 150  
Fairfield, CA 94534  
[KFredrickson@kbhome.com](mailto:KFredrickson@kbhome.com)

**ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY  
CONDITIONED WATER QUALITY CERTIFICATION; KB HOME, BURROUGHS AND  
CITY OF OAKLEY RESIDENTIAL DEVELOPMENT PROJECT  
(WDID#5B07CR00238A2), CONTRA COSTA COUNTY**

This Order responds to the 5 June 2025 request for an amendment of the Burroughs and City of Oakley Residential Development Project (Project) Section 401 Water Quality Certification (WDID#5B07CR00238). The original Water Quality Certification (Certification) was issued on 9 August 2021. The Certification was amended on 8 October 2024. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

**AMENDMENT:**

KB Home is requesting an amendment to include installing a sanitary sewer pipe, storm drainpipe, and water main beneath Little Dutch Slough to the activities authorized by the existing Certification.

The Certification is amended as shown below:

**III. PROJECT PURPOSE**

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

**IV. PROJECT DESCRIPTION**

A pipe will be placed in the Little Dutch Slough channel above the jack and bore area. Visqueen & sandbags will be placed into the slough to create a dam on either side of the boring areas across the entire width of the Little Dutch Slough to isolate an 80-foot-long portion of the slough channel. Existing vegetation at the dam locations will be removed (approximately 3' wide at each dam location) to allow the sandbags to be placed on a solid base to minimize water seepage

under the sandbags. A 24" Diameter HDPE pipe will be placed within the channel bottom between the sandbag dams, and water will be allowed to gravity flow through the pipe to discharge downstream of the boring area.

Dewatering will occur within the Project area. No wet concrete will be placed into the channel. The Project will temporarily impact 0.008 acre/86 linear feet of waters of the United States.

## **VII. DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE**

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

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

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Stream Channel	0.08	130	86

## **XIII. CONDITIONS**

### **G. CONSTRUCTION**

#### **1. DEWATERING**

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in the Technical Certification Conditions, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate the Technical Certification Conditions.

---

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

- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present, the area must be dewatered prior to start of work.
- e. Dewatering will occur within the Project area.
- f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
- g. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water.

#### **J. MITIGATION FOR TEMPORARY IMPACTS**

- 1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Amendment Application dated 5 June 2025 and incorporated herein by reference.
- 2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
- 3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

#### **Attachment B - Receiving Waters, Impacts and Mitigation Information**

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

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

Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
Little Dutch Slough	Stream Channel	544.	Conta Costa Canal- Delta Waterways (western portion)	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Arsenic, Chlordane, Chlorpyrifos, DDT (Dichlorodiphenyltrichloroethane), Diazinon, Dieldrin, Electrical Conductivity, Group A Pesticides, Invasive Species, Mercury, PAHs (Polycyclic Aromatic Hydrocarbons), PCBs (Polychlorinated biphenyls), Toxicity

**Individual Direct Impact Locations**

The following tables show individual impacts.

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

Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
37.992636	-121.668126	No	0.08	130	86

**APPLICATION FEE RECEIVED:**

An application fee of \$4,212.00 was received on 23 May 2025 for the amendment. Total fees of \$2,762.00 for the original Certification were received on 21 July 2021. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

Carter Cook, Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
[Carter.Cook@waterboards.ca.gov](mailto:Carter.Cook@waterboards.ca.gov)  
(916) 464-4699

**PUBLIC NOTICE:**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 13 June 2025 to 3 July 2025. The Central Valley Water Board did not receive any comments during the comment period.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Burroughs and City of Oakley Residential Development Project (WDID#5B07CR00238A2). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

*Original Signed by Anne Walters for:*

Patrick Pulupa  
Executive Officer

Attachment: Figure 1 – Frac-Out Plan, Diversion/Dewatering Location & Details

cc: [Via email only] Hailey Price (SPK-2005-00824)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
[SPKRegulatoryMailbox@usace.army.mil](mailto:SPKRegulatoryMailbox@usace.army.mil)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

California Department of Fish and Wildlife, Region 2  
[R2LSA@wildlife.ca.gov](mailto:R2LSA@wildlife.ca.gov)

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
[StateBoard401@waterboards.ca.gov](mailto:StateBoard401@waterboards.ca.gov)

Richard McHenry  
CA Sportfishing Protection Alliance  
[RMcHenry@calsport.org](mailto:RMcHenry@calsport.org)

Nikki Hugh  
Madrone Ecological Consulting  
[NHugh@MadroneEco.com](mailto:NHugh@MadroneEco.com)

Ginger Fodge  
Madrone Ecological Consulting  
[GFodge@MadroneEco.com](mailto:GFodge@MadroneEco.com)



Figure 1: Frac-Out Plan, Diversion/Dewatering Location & Details

