



San Francisco Bay Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER
for:

Pittsburg Data Hub Project, Contra Costa County

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Order

This Clean Water Act (CWA) section 401 Water Quality Certification and Order (Order) is issued at the request of Pittsburg Data Hub, LLC, a wholly owned subsidiary of AVAIO Digital (Permittee) for the Pittsburg Data Hub Project (Project). We received a pre-filing meeting request for the Project on May 12, 2025, and an application for certification (Application) on November 21, 2025. Information to complete the application was received through March 25, 2026, and additional supporting documentation was received through August 10, 2026.

The Permittee has also applied to the U.S. Army Corps of Engineers (Corps), Regulatory Branch for coverage under Regional General Permit 1 (SPK-2025-00526, Sacramento District), pursuant to CWA section 404 (33 USC 1344).

I. Project

The Project will construct a data center and associated parking and stormwater management facilities on a 22.31-acre parcel located at 2232 Golf Club Road within the City of Pittsburg (City) (38.010970, -121.910647). The building site occupies the northeast portion of the former Delta View Golf Course, which closed in 2018 and has remained vacant since that time. The Project layout is shown on figures in the *Project Description* (AVAIO, November 2025). The Project represents the first step of development under the City's recently adopted Pittsburg Technology Park Specific Plan. Specific Plan buildout may be completed under separate future projects that are not covered in this Certification.

The Project has been designed to meet the following specific objectives:

- Construct a three-story, approximately 340,961-square-foot data center building housing 60 megawatts of Information Technology (IT) load across six 10-megawatt data halls.
- Construct electrical infrastructure adequate to support data center operations, including: (1) a new Pacific Gas & Electric (PG&E) switching station and associated tie-in to PG&E infrastructure; (2) a substation with a minimum capacity of 100 megavolt-amperes and redundant capability to ensure continuous power delivery; and (3) a backup generating facility to ensure uninterrupted power supply in the event of grid power outages, with adequate capacity to support full data center operation.
- Provide adequate access and parking to support facility operations, including redundant access for emergency response vehicles.

II. Site Description

The site is located in rolling hills at the south edge of the City, with open space lands situated to the south and southwest of the abandoned golf course. The north edge of the site abuts an area of medium-density residential development. Immediately east of the site is a PG&E high-voltage transmission line corridor and an unnamed tributary of Willow Creek (Creek), an intermittent stream with associated riparian habitat within a mosaic of annual grassland and ruderal habitat. Immediately west of the development site are former golf course lands. The Contra Costa Canal (Canal), owned and operated by the U.S. Bureau of

Reclamation as part of the federal Central Valley Project, runs west-northwesterly just south of the site, bisecting the former golf course.

The site was used for agricultural purposes beginning in at least 1937, and the site was mapped as a shooting range of the former U.S. Army Camp Stoneman from 1942 to 1954, at which time the site was developed as a golf course. The site was previously zoned Open Space, consistent with its use as a golf course, but has been rezoned to Limited Industrial with Limited Overlay to accommodate 'employment industrial center' uses as an outcome of the City's recently completed General Plan update and associated zoning map amendments.

Topography on and around the Project site was modified through a combination of cut and fill to create the desired contours for the golf course, and the area's original hydrologic function was altered to support and protect golf course landscaping. In this context, a variety of natural, enhanced, and created aquatic features are present as shown in the *Presumed Jurisdictional Determination Pursuant to Section 404 Clean Water Act, Pittsburg Data Hub Project* (Corps, August 7, 2025) (SPN 2021-00457, San Francisco District). While the golf course was still in use, it was actively managed through irrigation, mowing, and other activities needed to maintain turf condition on the fairways, greens, and a driving range. Irrigation provided an overland source of input to natural and constructed depressional wetlands and drainage features on the site. With irrigation discontinued following the 2018 closure of the course, the site became progressively drier resulting in the transition of some perennially inundated features to seasonal status over the last few years, in combination with die-back of wetland and riparian vegetation within and adjacent to these features.

Creek tributaries enter the Project site from the hills to the south and west and flow within culverts beneath the former golf course to discharge to two depressional seasonal wetlands, and then the Creek immediately east of the site. The tributary creeks were buried within culverts to accommodate the golf course development. The alignments of the underground creeks as shown on Figure 6 are approximate because these features are not documented on golf course as-built plans. The tributary entering from the west flows in an open channel/seasonal wetland drainage for approximately 600 linear feet (LF) between the Canal and the golf course culvert inlet. This feature appears to have been slightly realigned from its natural planform during construction of the Canal, such that it now runs immediately adjacent to, and is bound by, the steep slope of the Canal levee.

The depressional seasonal wetlands occupy the low point north of the Canal. They were enlarged and landscaped with non-native tree plantings. They appear to have functioned as inline stormwater detention ponds for site runoff (including irrigation flows) and discharged via a short outfall pipe overland to the Creek east of the site. The upper (western) wetland was perennial until the last two to three years, and both wetlands may have been perennial while the golf course was still in operation. When initial studies were conducted for Project planning, the upper wetland supported a cattail stand adequate to host nesting Red-winged Blackbirds (*Agelaius phoeniceus*), and both wetlands probably ponded for a sufficient duration to support common amphibian species such as Pacific tree frog (*Pseudacris regilla*). Now, both wetlands have transitioned to seasonal ponding, reflecting overall drying conditions on the site and hydrology fed by watershed creek runoff conveyed by the

culverted tributary creeks and natural stormwater runoff via sheet flow from the site. The wetlands are dominated by Italian ryegrass (*Festuca perennis*), prickly lettuce (*Lactuca serriola*), tall annual willowherb (*Epilobium brachycarpum*), annual beard grass (*Polypogon monspeliensis*), knotweed (*Polygonum aviculare*), curly dock (*Rumex crispus*), and spiny cocklebur (*Xanthium orientale*).

The abandoned golf course west of the Project includes two formerly perennial wetland ponds that transitioned to seasonal wetlands with the cessation of golf course irrigation. These two areas were constructed as ornamental features and were fed by recycled water. A fraction of one of the former ponds retains seasonal wetland characteristics and is lightly vegetated with dotted smartweed (*Persicaria punctata*), Mediterranean barley, knotweed, and Italian rye grass.

The majority of the paved/developed areas are in the northern part of the Project site and include the former golf course parking lot, the foundations of demolished buildings, and neighboring residential and roadway development within the buffer area.

III. Project Implementation

Project construction is expected to begin in 2026 or 2027 and will extend for approximately 18 months. Construction will be implemented in accordance with the *On-Site Improvement Plans for Pittsburg Data Hub, 90% Progress Set* (Kimley-Horn, December 20, 2024), updated to 100% final bid-set drawings. Construction will involve four overlapping phases:

- Approximately three months will be required for site work, including clearing, grubbing, and grading, both for the main data center building as well as the pads for the associated electrical infrastructure (switching station and substation).
- Underground wet and dry utilities will be installed throughout the site and connected offsite; this is expected to take two to four months.
- Once grading is complete, the data center building foundations will be laid, after which the building shells will be erected and completed. Directly adjacent to, and concurrent with, the data center, the housing infrastructure for the backup power generation equipment will be erected. This phase is anticipated at a total of 9 to 12 months.
- The final phase of construction, overlapping slightly with the construction of the building shell, will be the installation and fit-out of the data halls and administrative office area, installation of the backup generation equipment, and the final completion of the electrical infrastructure.

Landscaping, site access, surface parking, stormwater controls and treatment features, interconnection with water supply, recycled water, and sanitary sewer will be included. Both culverted tributary creeks beneath the site will be relocated for conveyance in new culvert/storm drain pipes situated along the northern, southern, and eastern portions of the site. The Project also includes onsite wetland mitigation, which is planned for construction in the former golf course parking area at the north end of the site. Recycled water is planned for all site operations, excepting potable water supply and fire flow uses, and any discharge will

be routed to existing sanitary sewer infrastructure. Transformers within the Project's substation will be equipped with an oil containment pit to capture any oil leaks.

Stormwater Treatment & Hydromodification Controls: The planned stormwater management system is described in the *Final Hydrology and Hydraulics Report, Pittsburg Technology Center* (Kimley-Horn, October 2025) and includes bioretention areas, flow-through planters, and subsurface infiltration systems. These features will be located around the perimeter of the site and adjacent to paved parking areas and buildings. Flow-through planters and bioretention planters will include perforated underdrains and overflow structures that connect to the onsite storm drain system.

Under existing conditions stormwater is discharged from the site at two locations: via a storm drain located at the north end of the site, which discharges to the City's storm drain system, and by overland flow from the topographic low points of the site. Flows exit the seasonal wetlands via a short outfall pipe that discharges overland to culverts beneath the PG&E service road, then the Creek. Under post-construction conditions, the depressional seasonal wetlands will be filled, and a new culvert crossing will be installed beneath the Golf Club Road extension to transmit tributary Creek flows and treated stormwater to the east in approximately the same location as the existing wetland's outfall. The existing storm drain at the north end of the site will be used for some site drainage, including overflows from the created mitigation wetland.

Runoff from a secondary emergency vehicle access route will be treated and used to maintain water supply to the former golf course pond west of the data center, to preserve wetland conditions in this area. Like the discharge to the Creek corridor on the east, the outfall to the pond will be configured to discharge overland as shown in Figure 6 of the Application's November 21, 2025, *Project Description*.

An existing 30-inch-diameter municipal recycled water main enters the Project site to serve an existing 1-million-gallon recycled water storage tank. This existing storage tank includes an air gap and has a back-up connection to domestic water to provide reliable service. The Project will retain this tank in service and install a lateral to the new Project facilities to provide recycled water for irrigation and cooling uses.

IV. Impacts to Waters of the State

The Project will permanently impact 0.286 acre of seasonal wetlands (the entirety of the depressional seasonal wetlands) and 196 LF of seasonal wetland (0.043 acre)/Creek habitat with 5,570 cubic yards (cy) of fill. This includes 0.012 acre of seasonal wetland that will be beyond the finished limits of the western Project edge, but within the area of construction disturbance. This portion of the wetland will not be permanently filled. However, a catch basin will be installed to receive Creek flows and deliver it into the reconfigured subsurface Creek culvert drainage that will replace existing pipes conveying flows beneath the site for ultimate discharge to the Creek east of the site.

Table 1 describes the permanent excavation and fill impact areas for wetlands and Creeks.

Table 1. Permanent Area Impacts to Wetlands and Creeks

Aquatic Resource Feature	Linear Feet	Acres
Seasonal Wetlands		0.243
Ephemeral Creek/Instream Wetlands	196	0.043
TOTAL/NET	196	0.286

Construction & Post-Construction Stormwater: The Project may result in construction and post-construction impacts to jurisdictional waters and beneficial uses of waters of the State from the discharge of pollutants in stormwater runoff from the site. During construction, ground-disturbing activities may impact water quality by increasing erosion and sedimentation and discharging debris and other waste materials. After construction, impervious surfaces created by the Project may impact water quality by generating, collecting, concentrating, and discharging pollutants in stormwater runoff.

Historical use of the site as a shooting range may have incurred metal impacts on soil, soil vapor, and groundwater. Although no significant impacts from historical operations of the golf course or the adjoining former Camp Stoneman were found in the *Pittsburg Data Hub, LLC, Phase I Environmental Site Assessment Update – Draft, 2222-2224 Golf Club Rd.* (WSP, September 27, 2024), contaminants of concern related to past land uses could be mobilized due to construction activities and transported offsite in stormwater runoff.

Alternatives Analysis: To evaluate avoidance and minimization of impacts to waters of the State, the Permittee prepared a Tier 3 alternatives analysis and findings are documented in the *Avaio Digital Pittsburg Data Hub, Alternatives Analysis* (Redtail Consulting, October 2025). Constraints for site development include deed-restricted lands on the former golf course to the west, and the relationship between allowable site access and the layout of Project elements within the site.

V. Mitigation

Both onsite and offsite mitigation measures will provide compensation for the Project's impacts. Onsite mitigation will be provided through creation of a 0.286-acre seasonal wetland. Offsite mitigation will be provided within the neighboring Kirker Creek watershed through the Hess Creek Watershed Restoration and the Upper Hess Creek Restoration Projects (Hess Creek Projects). These projects, constructed by the East Contra Costa County Habitat Conservancy (ECC Conservancy) in 2015, include aquatic resource habitat creation, restoration, and enhancements. The ECC Conservancy has agreed that 0.286 acre of created seasonal wetlands is available for the Project at the Hess Creek sites to dedicate as mitigation for this Project. The Permittee will pay the required fees and the ECC Conservancy will appropriately account for the use of the Hess Creek sites as mitigation for this Project and document the used and remaining available wetland acreage at the Hess Creek sites.

The onsite wetland creation is described in the *Avaio Digital, Pittsburg Data Hub, Compensatory Mitigation Plan & Mitigation Climate Change Analysis* (Redtail Consulting, November 2025, revised July 2026) (MMP). The onsite wetland will be created in the northern portion of the former golf course parking area as shown in Figure 7 of the Project description. Water supply will be provided by diverting runoff from the roof of the data center building and piping it to the south end of the mitigation area where it will enter a dedicated 0.156-acre bioretention stormwater treatment facility. Water will flow via underdrains to the mitigation wetland, which will have an area of at least 0.286 acre. Any excess supply delivered by prolonged or intense storm events will discharge from the wetland via a spillway leading to an inlet to existing stormwater infrastructure that ultimately discharges to an unvegetated stream channel offsite. Since water supply for the wetland will be predominantly treated roof runoff, the wetland will not be seeded/planted until the onset of the rainy season after site stormwater treatment facilities are functional and the roof area is completed.

The mitigation wetland will be monitored for a minimum period of five years and thereafter be managed in accordance with the draft *Long-Term Management Plan, Pittsburg Data Hub Wetland Preserve* (Vollmar Natural Lands Consulting and Redtail Consulting, March 2026, revised July 2026) (LTMP). A deed restriction will be recorded to protect land use within the mitigation wetland over the long term.

To minimize impacts to wildlife within the drainage system of the site, curbs adjacent to storm drains will be offset by a distance sufficient to allow volitional passage for wildlife around the storm drains. Openings in storm drain grates will be no more than 16 mm in width or as narrow as feasible to allow necessary water throughput while preventing wildlife from entering. Catchment basins and drop inlets will be fitted with escape ramps, or ladders that will allow wildlife to volitionally escape.

Due to past land use, further investigation of the site soil to appropriate excavation depths, and comparison of soil analytical results to the Water Board's Soil Tier 1 Environmental Screening Levels (ESLs) as well as background concentrations, will be performed before the start of construction. Onsite and offsite reuse of the site soil will be guided by this investigation.

During construction, the Permittee will avoid and minimize all impacts to waters of the State by implementing appropriate and effective best management practices (BMPs) as described in their Application. A construction sequencing and water management plan (*AVAIO Stormdrain Offsite Flow Management Plan*, August 10, 2026) has been developed to guide diversion of stream flows from the south and west to newly constructed underground culverts and away from the depressional wetlands. Once the new piping is in place and connected to the existing infrastructure that delivers flows from upstream/offsite, flows will be conveyed via the new piping to discharge into the Creek, bypassing the wetlands and allowing them to dry out before fill impacts occur.

Post-Construction Stormwater Mitigation: Stormwater Treatment & Hydromodification Controls: Post-Construction Stormwater Runoff Mitigation: Provision C.3 of the NPDES Stormwater Municipal Regional Permit (MRP), Order No. R2-2022-0018, as amended

(NPDES Permit No. CAS612008), describes mitigation measures required to address post-construction stormwater impacts for new development. These measures are necessary to comply with State water quality standards and this Order requires the Permittee to complete measures consistent with the MRP. These requirements have been adopted by the Contra Costa County Clean Water Program (CCCWP) in its C.3 Guidebook, 7th Edition (C.3 Guidebook).

To protect all beneficial uses of waters of the State, the Project is required to provide treatment and hydromodification controls for stormwater runoff from new impervious surfaces. The Permittee will construct, operate, and maintain the stormwater treatment and hydromodification controls as described in the *Final Hydrology and Hydraulics Report, Pittsburg Technology Center* (Kimley-Horn, October 2025) (SWCP), which will be updated in accordance with the Conditions to address hydromodification requirements.

VI. California EcoAtlas

Regional, state, and national studies have determined that tracking of mitigation and restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. To effectively carry out the State's Wetlands Conservation Policy of no net loss to wetlands, the State needs to closely track both losses and successes of mitigation and restoration projects affecting wetlands and other waters of the State. The Water Board must also track project performance in Bay Area creeks subject to routine repair and maintenance activities, such as recurring instabilities. Therefore, we adopted the digital interactive mapping tool *EcoAtlas*. *EcoAtlas* is a web-based tool that integrates maps, project plans, site conditions, restoration efforts, and other elements on a project-by-project basis based on data inputs. Accordingly, we require the Permittee to upload their Project information to EcoAtlas with the Project Tracker tool at <https://ptrack.ecoatlas.org>. The California Wetlands Monitoring Workgroup developed EcoAtlas and maintains detailed instructions for Project Tracker on its website at <https://ptrack.ecoatlas.org/instructions>.

VII. California Environmental Quality Act (CEQA)

On December 11, 2025, the City, as lead agency, adopted a Mitigated Negative Declaration (State Clearinghouse (SCH) No. 2025100607) for the Project and filed a Notice of Determination (NOD) at the SCH on February 17, 2026. The Water Board, as a Responsible Agency under CEQA, has reviewed the Project CEQA documents and finds that the Project's significant environmental effects that are within the Water Board's purview and jurisdiction have been identified and will be mitigated to less-than-significant levels. Specifically, significant impacts pertaining to wetland and aquatic habitat and water quality will be mitigated to less-than-significant levels through implementation of mitigation measures identified in the CEQA documents and the mitigation identified above, all of which are required to be implemented and reported on by this Certification.

VIII. Conditions

The Water Board independently reviewed the Project record to analyze impacts to water quality and the environment and designated beneficial uses within the Project's watershed. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions. The conditions are necessary for the Water Board to find that the Project's discharge into the waters of the United States and the State is consistent with applicable law, and the Order could not be issued but for the inclusion of these conditions.

General Conditions

1. The Project shall be constructed in conformance with the Project description provided in the Application, as reflected in the final bid-ready plan set. The Permittee shall fully comply with engineering plans, specifications, and technical reports submitted in the Application or required as part of this Order. **Any changes to information provided in the Application must be submitted to the Water Board and receive Executive Officer approval before the changes are implemented.**
2. To protect water in the Creek and its tributaries from sediment generation or debris associated with construction activity, construction in waters of the State is restricted to the dry season work window of April 15 through October 31, or to the end of any extension granted by Water Board staff on the basis of 10-day weather forecasts of dry weather.
3. Disturbance and removal of vegetation shall be limited to that necessary for Project construction, and shall be minimized to the extent feasible. Disturbed areas shall be stabilized using appropriate erosion and sediment control measures.
4. No equipment shall be operated in stream channels or other waters where there is flowing or standing water.
5. Fueling, cleaning, or maintenance of vehicles or equipment during construction shall not take place within any areas where an accidental discharge to waters of the State may occur.
6. No unauthorized construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the State. When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be discharged to waters of the State.
7. The Permittee shall obtain coverage under and comply with the Statewide NPDES Construction Stormwater General Permit (State Water Resources Control Board Order No. 2022-0057-DWQ; NPDES Permit No. CAS000002) (Construction General Permit), and any reissuances thereof. The Permittee shall prepare and implement a site-specific Stormwater Pollution Prevention Plan (SWPPP) for the construction of each phase of the Project, in accordance with the requirements, provisions, limitations, and prohibitions of the Construction General Permit. This includes the following requirements:

- a) Prior to the start of the rainy season, the Permittee shall ensure that disturbed areas of waters of the State, if any, and disturbed areas that drain to waters of the State are protected with correctly-installed and maintained erosion control measures and/or revegetated with propagules (seeds, cuttings) of locally collected native plants.
 - b) Erosion control textiles that include plastic monofilament netting are prohibited from use at the Project site.
 - c) Where areas of bare soil are exposed during the rainy season, appropriate erosion and sediment control measures shall be used where sediment and/or earthen fill threaten to enter waters of the State, consistent with the requirements of this Certification. Sediment control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Buildup of soil behind silt fences shall be removed promptly and any breaches or undermined areas repaired at once.
8. *Photo Documentation Points*: Prior to the start of construction, the Permittee shall establish a minimum of 12 photo documentation points to provide representative views of the Project site. At least six photo points shall be located to provide representative views of the onsite wetland mitigation area and bioretention stormwater treatment feature that will support the wetland. The photo-documentation points shall be used to track the Project's pre- and post-construction conditions, and progress of mitigation conditions during monitoring visits. The Permittee shall prepare a site map with the photo-documentation points clearly marked. Prior to, and following construction, the Permittee shall photographically document the pre- and post-construction conditions. These post-construction photographs and map shall be submitted with the as-built report described below. Photos shall be taken from the wetland mitigation photo points during each monitoring year and be included in the mitigation monitoring reports described below.

Mitigation and Monitoring & Reporting

- 9. The Permittee shall input Project information to *EcoAtlas* within 14 days from the date of this Certification, consistent with Section IV. The Project information shall be added to the *Project Tracker* tool in *EcoAtlas* online at <https://ptrack.ecoatlas.org>. Instructions for adding information to *EcoAtlas* are available at <https://ptrack.ecoatlas.org/instructions>, or by contacting the San Francisco Estuary Institute by email at ptrackadmin@sfei.org, or the Water Board case manager listed on the cover page of this Order. The Executive Officer may grant an extension to the 14-day deadline if the Permittee submits a request in writing to the Water Board case manager listed on the cover page of this Order. The extension request may be submitted via electronic mail.
- 10. The Permittee shall submit, no later than January 31 of each year until construction begins, a status report on Project implementation. This status report shall reference **Status_463408 Pittsburg Data Hub** and shall be sent via email to rb2-401reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead).

11. The Permittee shall submit a Start of Construction Report at least 15 days prior to start of initial ground disturbance activities. The Report shall include a status update on the draft deed restriction and schedule for signature and recording, and establishment of the non-wasting endowment for management of the mitigation wetlands over the long term. The Report shall reference **SOC_463408 Pittsburg Data Hub** and shall be sent via email to rb2-401reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports.
12. The Permittee shall develop and implement a site management plan (SMP) to guide activities during demolition, excavation and grading, and initial construction to ensure that potentially contaminated soils and unexploded ordinance are identified, characterized, removed, and disposed of properly. The SMP shall be reviewed and approved by the Executive Officer prior to implementation.
13. The Permittee shall implement the construction sequencing and water management plan, *AVAIO Stormdrain Offsite Flow Management Plan*, August 10, 2026, unless modifications are otherwise approved by the Executive Officer before the start of construction. Creek flows within the existing and new culverts shall be protected from mixing with any untreated construction stormwater runoff on the Project site.
14. The Permittee shall implement the onsite mitigation plan as described in the MMP. Mitigation wetland construction shall occur within the roughly 18-month time frame for site development (as measured from the start of construction), in conjunction with the other site improvements. If mitigation seeding and planting is delayed beyond the onset of the rainy season following the completion of construction (or, if the Water Board grants an extension to the work window, the completion of that extension), additional mitigation for temporal losses shall be obtained through coordination with the Water Board at an approximate ratio of 10% (0.0286 acre) per six months of delay.
15. The Permittee shall submit, acceptable to the Executive Officer, documentation that the Hess Creek credit deductions have been included in the ECC Conservancy accounting for aquatic resources. This documentation shall be submitted by the Permittee no later than 60 days after this Order's effective date.
16. Within 60 days of completing the Project construction, including seeding/planting of the mitigation wetland, and stormwater facility construction, the Permittee shall submit an As-Built Report acceptable to the Executive Officer. The As-Built Report shall include plans that identify any field changes, marked on the design plans used during construction, that were made from the designs accepted by the Water Board, and a narrative description of mitigation implementation. The As-Built Report shall be sent via email to rb2-401reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead) and include **As Built_463408 Pittsburg Data Hub** in the email subject line when sent electronically or in a cover letter for hard copy submissions.
17. *Mitigation Monitoring & Success Criteria:* To verify that the Project's onsite mitigation wetlands are performing as designed, the Permittee shall monitor the wetlands for a minimum of five years. If adaptive management measures are necessary to support the development of seasonal wetlands, then the monitoring period may be extended

beyond five years. The following performance criteria shall be used to evaluate the wetlands:

Table 1. Interim and Final Mitigation Success Criteria

Year 1	Wetland Basin
	• <i>HYDRO-1: Depth of Inundation.</i> The wetland becomes inundated to a depth between 0.5 and 2 feet during years with at least 50% of normal precipitation for the region. • <i>HYDRO-2: Duration of Inundation.</i> The wetland remains inundated for at least 6 weeks during years with at least 50% of normal precipitation for the region. The 6 weeks may be the cumulative total of up to 2 periods of inundation (e.g. a 2-week inundation, drydown, and then a 4-week inundation). • <i>FLORA-1: Wetland Vegetation Cover.</i> The wetland has an average vegetative cover across its basin, as measured using point-intersect, photogrammetric, or similar quantitative methods, of at least 10%. • <i>FLORA-2: Dominance of Native Species.</i> Native species make up at least 35% of the relative cover of plants in the wetland. • <i>FLORA-3: Invasive Cover.</i> Absolute cover of species rated "Moderate" or "High" by the California Invasive Plant Council (Cal-IPC) (https://www.cal-ipc.org/plants/profiles/) is less than 5% within the wetland. • <i>FLORA-4: Species Diversity.</i> Plant species in the wetland have a Shannon Diversity index^a of at least 0.3.
	Upland Buffers
	• Soils in buffer area are undisturbed.
Year 2	Wetland Basin
	• <i>HYDRO-1: Depth of Inundation.</i> Same as Year 1. • <i>HYDRO-2: Duration of Inundation.</i> Same as Year 1. • <i>FLORA-1: Wetland Vegetation Cover.</i> The wetland has an average vegetative cover across its basin, as measured using point-intersect, photogrammetric, or similar quantitative methods, of at least 20%. • <i>FLORA-2: Dominance of Native Species.</i> Native species make up at least 45% of the relative cover of plants in the wetland. • <i>FLORA-3: Invasive Cover.</i> Same as Year 1. • <i>FLORA-4: Species Diversity.</i> Plant species in the wetland have a Shannon Diversity index of at least 0.35. • <i>FLORA-5: Dominance of Hydrophytes.</i> Vegetation in the wetland meets the Wetland Delineation Manual criteria for hydrophytic vegetation (50/20 rule or prevalence index)^b
	Upland Buffers
	• Soils in buffer area are undisturbed.
Year 3	Wetland Basin
	• <i>HYDRO-1: Depth of Inundation.</i> Same as Year 1. • <i>HYDRO-2: Duration of Inundation.</i> Same as Year 1. • <i>FLORA-1: Wetland Vegetation Cover.</i> The wetland has an average vegetative cover across its basin, as measured using point-intersect, photogrammetric, or similar quantitative methods, of at least 30% • <i>FLORA-2: Dominance of Native Species.</i> Native species make up at least 55% of the relative cover of plants in the wetland. • <i>FLORA-3: Invasive Cover.</i> Same as Year 1.

	• <i>FLORA-4: Species Diversity.</i> Plant species in the wetland have a Shannon Diversity index of at least 0.4 • <i>FLORA-5: Dominance of Hydrophytes.</i> Same as Year 2.
	Upland Buffers
	• Soils in buffer area are undisturbed • Vegetation appears on track to meet final success criteria
Year 4	Wetland Basin
	• <i>HYDRO-1: Depth of Inundation.</i> Same as Year 1. • <i>HYDRO-2: Duration of Inundation.</i> Same as Year 1. • <i>FLORA-1: Wetland Vegetation Cover.</i> The wetland has an average vegetative cover across its basin, as measured using point-intersect, photogrammetric, or similar quantitative methods, of at least 40%. • <i>FLORA-2: Dominance of Native Species.</i> Native species make up at least 65% of the relative cover of plants in the wetland. • <i>FLORA-3: Invasive Cover.</i> Same as Year 1. • <i>FLORA-4: Species Diversity.</i> Plant species in the wetland have a Shannon Diversity index of at least 0.45. • <i>FLORA-5: Dominance of Hydrophytes.</i> Same as Year 2.
	Upland Buffers
	• Soils in buffer area are undisturbed • Vegetation appears on track to meet final success criteria
Year 5 (Final Success Criteria)	Wetland Basin
	• <i>AREA-1: Wetland Delineation.</i> The wetland meets the three-parameter test and delineates as a wetland according to the Corps' Wetland Delineation Manual and Arid West Supplement by the end of Year 5 • <i>HYDRO-1: Depth of Inundation.</i> Same as Year 1. • <i>HYDRO-2: Duration of Inundation.</i> Same as Year 1. • <i>FLORA-1: Wetland Vegetation Cover.</i> The wetland has an average vegetative cover across its basin, as measured using point-intersect, photogrammetric, or similar quantitative methods, of at least 50% • <i>FLORA-2: Dominance of Native Species.</i> Native species make up at least 75% of the relative cover of plants in the wetland • <i>FLORA-3: Invasive Cover.</i> Same as Year 1. • <i>FLORA-4: Species Diversity.</i> Plant species in the wetland have a Shannon Diversity index of at least 0.5 • <i>FLORA-5: Dominance of Hydrophytes.</i> Same as Year 2.
	Upland Buffers
	• Soils in buffer area are undisturbed • Non-native species make up no more than 50% of the relative cover of plants in buffer areas
Notes: ^a Shannon 1948 ^b U.S. Army Corps of Engineers 1987	

If hydrology or vegetation performance criteria are not attained, a contingency plan shall be developed to address the failure. The contingency plan, including a monitoring plan, shall be submitted, acceptable to the Executive Officer, within 12 months of detecting signs that hydrology and vegetation are not on track to meet performance criteria and shall be implemented within 12 months after receiving approval from the Executive Officer. After the contingency plan is implemented, the modified wetland conditions shall be monitored for a minimum of five years.

18. **Annual Monitoring Reports:** The Permittee shall submit annual monitoring reports, acceptable to the Executive Officer, by January 31 following each monitoring year with the first monitoring year commencing the calendar year after completing the wetland mitigation construction, including planting/seeding. At the time of this Order, the Project's construction start date is uncertain, so the monitoring start date is also undetermined. The Annual Project Status report will provide an update and time schedule for the start of mitigation monitoring, which shall begin the year after seeding and planting of the mitigation area, and the first annual monitoring report shall be due on January 31 of the following year. Each annual report shall summarize the previous monitoring results in addition to the current year's results and discuss the need for, and implementation of, any remedial actions to help meet the performance criteria. The reports shall compare data to previous monitoring years and describe effects of the Project and environmental drivers (e.g., storms, fires, drought) on site conditions. Reports shall include hydrology and plant assessment methods and data in accordance with the performance criteria noted above and describe progress towards meeting final performance criteria.
19. Annual monitoring reports shall reference **AMR_463408 Pittsburg Data Hub** and shall be submitted via email to rb2-401reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see the address on the letterhead).
20. The final monitoring report shall document if the site meets the final performance criteria. If the final criteria are not met, the Permittee shall, in consultation with the Water Board, identify remedial measures to be undertaken, including extending the monitoring and reporting period until the criteria are met. The Permittee shall implement all remedial measures identified upon receiving written acceptance by the Executive Officer.
21. Within 30 days of successfully establishing the Project's mitigation, the Permittee shall submit, acceptable to the Executive Officer, a Notice of Mitigation Monitoring Completion notifying the Water Board that mitigation has been completed. The Notice shall be submitted via email to rb2-401reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports. This notification shall include the date mitigation was completed, the Project Name, and reference **NMMC_463408 Pittsburg Data Hub**.
22. After the performance criteria have been met the mitigation area shall be protected in perpetuity under a deed restriction and managed as natural wetland habitat in accordance with the LTMP. A final draft of the March 2026 *Pittsburg Data Hub Wetland Preserve Deed Restriction* shall be prepared for the Executive Officer's

signature and recorded within 90 days of the start of site construction. If the March 2026 deed restriction is modified, it shall not be signed and recorded with Contra Costa County until the Executive Officer has approved the revisions. Documentation of the recording shall be submitted, acceptable to the Executive Officer, no later than 120 days after the start of construction.

23. Within 6 months of the start of construction, the Permittee shall submit, acceptable to the Executive Officer, documentation that a non-wasting endowment has been established to provide funds for implementation of the LTMP. The principal in the endowment shall generate sufficient revenue to cover the long-term management tasks described in the LTMP. The estimated endowment amount at the time of this Order was \$443,185 and is based on a May 5, 2026, Property Analysis Record (PAR).
24. The Permittee shall prepare an updated stormwater management plan to finalize the measures included in the *Final Hydrology and Hydraulics Report for Pittsburg Technology Center* (Kimley Horn, October 2025). Specifically, the stormwater management measures shall be updated to include adequate sizing and design to provide hydromodification controls. The updated plan shall be submitted, acceptable to the Executive Officer, no later than 30 days before the start of Project construction. The finalized plan shall include treatment and hydromodification measures that comply with the MRP and C.3 Guidebook as described in the Kimley Horn report.
25. The Permittee shall be responsible for constructing, operating, and maintaining all post-construction stormwater controls described in the Application and this Certification, including as described in the *Final Hydrology and Hydraulics Report for Pittsburg Technology Center* (Kimley Horn, October 2025) (updated as noted above) and the *Stormwater Facilities Operation and Maintenance Plan for Pittsburg Data Hub* (Kimley Horn, February 2026). All stormwater management BMPs shall be functional in the first rainy season following construction of new impervious surfaces at the Project site. The bioretention facilities used to treat the impervious runoff shall operate as stormwater treatment controls in perpetuity and not be repaved or repurposed for any other use. The Permittee shall operate and maintain the stormwater system until ownership and responsibility for operation and maintenance has been transferred to any subsequent owner. The Permittee shall verify that a post-construction BMP operation and maintenance agreement with the City of Pittsburg is executed prior to start of operation.

Administrative

26. The Permittee shall grant Water Board staff or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to: (1) enter upon the Project site or compensatory mitigation site(s) where a regulated facility or activity is located or conducted, or where records are kept; (2) have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order; (3) inspect any facilities, equipment, practices, or operations regulated or required under this Order; and (4) sample or monitor for the purposes of assuring Order compliance.

27. 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.
28. The Permittee shall provide a signed and dated notification to the Water Board of any change in ownership or interest in ownership of the Project area at least 10 days prior to the transfer of ownership. The purchaser shall also submit a written request to the Water Board to be named as the permittee in an amended order. 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.

General Compliance

29. The Permittee shall notify the Water Board of any event causing a violation of compliance with water quality standards as soon as practicable (ideally within 24 hours). Notification may be via telephone, email, delivered written notice, or other verifiable means.
30. 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, including the CWA and the Porter-Cologne Water Quality Control Act.
31. Any requirement for a report made as a condition of this Order is a formal requirement pursuant to California Water Code (CWC) sections 13383 and 13267, and failure to submit, late or inadequate submittal, or falsification of such technical report(s) is also subject to civil liability pursuant to CWC sections 13385 and 13268. The burden, including costs, of providing the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from them.
32. In response to a suspected violation of any condition of this Order, the Water Board may require the Permittee to furnish, under penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
33. Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements pursuant to Title 23 of the California Code of Regulations (23 CCR) section 3857.
34. This Order shall continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.

Standard Conditions

35. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC section 13330 and 23 CCR section 3867.

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

Fees

37. In accordance with 23 CCR section 2200, the Permittee shall pay an annual fee to the Water Board each fiscal year (July 1 – June 30) until Project construction activities are completed and an acceptable Notice of Project Construction Completion is received by the Water Board. If monitoring is required, the Permittee shall pay an annual fee to the Water Board until monitoring activities are completed and an acceptable Notice of Mitigation Monitoring Completion is received by the Water Board. Annual fees will be automatically invoiced to the Permittee. **The Permittee must notify the Water Board at Project and mitigation completion with a final report in order to request to terminate annual invoicing. Notification should be sent to the staff listed at the bottom of this Order and to rb2-401reports@waterboards.ca.gov.** Water Board staff will verify conditions of the Order have been met and may request a site visit at that time to confirm the Project's status and compliance with this Order.
38. This Order is conditioned upon total payment of the full fees, including annual fees, required in State regulations (23 CCR sections 2200(a)(3) and 3833(b)(3)) and owed by the Permittee. The Application and Project fee was received in two payments of \$4,212 and \$6,676 on July 11, 2025, and March 5, 2026, respectively. The fee was calculated as Category A – Fill & Excavation Discharges with the 2025-2026 dredge and fill fee calculator.

I, Eileen White, Executive Officer, do hereby issue this Order certifying that any discharge from the proposed Project will comply with the applicable provisions of CWA 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), and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. [2003-0017-DWQ](#), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this Order.

If you have any questions concerning this Order, please contact Katie Hart of my staff at (510) 622-2356 or kathryn.hart@waterboards.ca.gov.

for Eileen M. White, P.E.
Executive Officer

cc: SWRCB, DWQ, stateboard401@waterboards.ca.gov
Water Board, Victor Aelion, victor.aelion@waterboards.ca.gov
U.S. EPA, Region IX:
Regulatory Inbox, r9cwa401@epa.gov
Zoe Chan, Chan.Zoe@epa.gov
U.S. Army Corps of Engineers, SF District Regulatory:
Agency Permits/Certifications Inbox, cespn-rq-info@usace.army.mil
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