

## State Water Resources Control Board

### WATER QUALITY ORDER WQ 2025-0057-DWQ CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

**Effective Date:** Issue date of the 2025 Regional General Permit (RGP) 99  
**Expiration Date:** Five years from Effective Date  
**Project:** Routine Operation and Maintenance Program for Low-Impact Facilities, RGP 99  
**Project Type:** Channel Construction and Maintenance  
**Program Type:** Fill/Excavation  
**Identifiers:**  
    **WDID No:** SB24005GN  
    **USACE No:** SPL-2013-00688  
    **Federal Lic:** RGP 99  
    **Place ID:** 817463  
    **Reg. Meas. ID:** 455582  
**Applicant:** Riverside County Flood Control and Water Conservation District (RCFCWCD)  
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**Water Board Contact Person:** If you have any questions, please contact State Water Resources Control Board (Water Board) Staff listed above, call (916) 341-5900, or email [SB-401Application@waterboards.ca.gov](mailto:SB-401Application@waterboards.ca.gov).

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## **I. Summary**

This grant of Clean Water Act (CWA) section 401 certification (Certification) with conditions is issued at the request of the RCFCWCD (hereinafter Permittee) for the Flood Control Facilities Maintenance Program (Program) that includes routine operation and maintenance activities for low-impact facilities authorized under the U.S. Army Corps of Engineers (USACE) RGP 99. A complete application was submitted on March 7, 2025, as verified by Water Board staff.

This Certification is issued within the reasonable period of time, which ends on October 1, 2025.

## **II. Findings**

- A. This Certification is adopted pursuant to CWA section 401 and the California Porter-Cologne Water Quality Control Act (Wat. Code § 13000, *et seq.*). This Certification also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.
- B. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the CWA and the Porter-Cologne Water Quality Control Act.
- C. In response to a suspected violation of any condition of this Certification, the Water Board may require the holder of this Certification 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.
- D. This Certification does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002) (Construction General Permit).
- E. This Certification does not authorize any act which results in the take of a threatened, endangered or candidate species, 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 Certification, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Program that may result in a take. Furthermore, Program activities authorized under this Certification must comply with all the terms and conditions associated with incidental take as described in the Biological Opinions referenced in USACE’s RGP 99. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Program authorized under this Certification.

### **III. Program Purpose and Description**

**Program Purpose:** The purpose of the Program is to maintain the designed capacity/lines and grades of existing flood control facilities within the Permittee's rights-of-way.

**Program Description:** The Program consists of maintenance activities to be performed on an as-needed basis, including sediment, debris, and trash removal; slope and erosion repairs; side-slope tracking and/or reshaping; landscape maintenance (where applicable); structure rehabilitation and/or replacement; rip-rap and grout repair; removal and replacement of concrete channel linings; and washout backfill and repair. Temporary access ramps/roads may be installed to complete the authorized activities. Maintenance activities would not result in a change of capacity and facilities would only be maintained to as-built specifications (Attachment A).

**Program Location:** The Program includes any of the flood control facilities located in Riverside County listed in Attachment A, Facility As-Built Information. The approximate center coordinates of the area containing these facilities are 33.739103° N, 116.967394° W. Maps showing the location of designated flood control facilities are found in Attachment B.

### **IV. Program Impact and Receiving Waters Information**

The Program is located within the jurisdiction of the Colorado River Regional Water Quality Control Board, Santa Ana Regional Water Quality Control Board, and San Diego Regional Water Quality Control Board (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by this Program are protected in accordance with the applicable water quality control plans (Basin Plan). The plans for each region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](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.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Certification promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

The Permittee will identify the receiving waters and beneficial uses of waters of the state to be impacted by a proposed individual project (authorized as part of the Program), as listed in the applicable regional Basin Plan. The information is required in the Notice of Intent (NOI), which is found in Attachment C and must be completed to apply for authorization under this Certification.

### **V. Description of Direct Impacts to Waters of the State**

This Certification authorizes the following activities associated with the Program that may result in temporary impacts to waters of the state to achieve as-built facility conditions, including:

- A. Channel, Basin and Dam Maintenance: The maintenance of channels, basins, and small dams through activities such as sediment and debris removal, erosion repairs, side slope tracking and/or reshaping, and structure rehabilitation or replacement.
- B. Landscape Maintenance and Vegetation Control/Removal: This includes removal of invasive vegetation, general trimming or mowing and disking, and herbicide/pesticide application.
- C. Riprap Installation and Repair: Riprap shall be installed and repaired only to maintain as-built facility conditions; additional riprap installation (beyond as-built condition) is not authorized under this Certification.
- D. Structural Inspection/Cleaning: Inspection and cleaning activities include land and geotechnical activities and trash removal.
- E. Fabrication and Installation (Replacement) of Headwalls: Headwalls may be repaired and replaced to as-built specifications. New headwalls are not authorized under this Certification.
- F. Removal and Replacement of Concrete Channel Linings: Removal and replacement of concrete channel linings include use of heavy equipment and local staging and storing of equipment.
- G. Repair and Backfill of Washouts and Slope Repairs within Access Roads, Channels, Levees, Basins, and Dams: The repair and backfill of washouts involves the removal and stockpiling of sediment and debris.
- H. Install Temporary Surface Water Diversion to Facilitate Routine Maintenance Activities: The installation of temporary diversion and dewatering structures, such as cofferdams, bladder dams, diversion tunnels/pipes, and sheet piles.
- I. Install Temporary Access Ramps to Facilitate Routine Maintenance and/or Clean-Up Debris Removal Activities, Including Similar Associated with Trash/Debris Removal: The construction and maintenance of temporary access areas, such as maintenance vehicle pullouts, access roads, staging, storage, parking, and laydown areas, as necessary to complete the individual project. All temporary access shall be returned to pre-project conditions following completion of the maintenance activity.

Maintenance resulting in a permanent loss of waters of the state is not authorized under this Certification.

The Permittee shall describe all proposed project activities, including those potentially offsite and/or adjacent to waters of the state, which could result in impacts to waters of the state in the NOI (Attachment C) that must be completed and reviewed by the Water Board for authorization under this Certification.

## **VI. Description of Indirect Impacts to Waters of the State**

The Water Board recognizes the potential for indirect impacts to waters of the state associated with the Program. Indirect impacts may include, but are not limited to, sediment-laden stormwater runoff from bare surfaces exposed by slope repair or reshaping activities, and spills of chemicals (fuels, lubricants, pesticides, etc.) used

in flood control facility maintenance. Impacts to waters of the state and their designated beneficial uses could potentially result from Program activities that are within or adjacent to work areas. These potential indirect impacts are expected to be short term, and the expected severity of these impacts are adequately reduced through adherence to the conditions set forth in section VIII of this Certification.

## **VII. Avoidance and Minimization**

All steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable shall be described by the Permittee in each project specific NOI. The Final Initial Study/Mitigated Negative Declaration (IS/MND) associated with RGP 99 and the Program (March 28, 2017) identified avoidance and minimization measures in the Mitigation Monitoring Program (MMP). The following measures, as identified in the MMP, shall be implemented during all maintenance activities to avoid and/or minimize direct and indirect impacts to waters of the state:

- Notification to Regulatory Agencies
- Reporting to Regulatory Agencies
- Restoration and Invasive Species Management
- Notification to the California Department of Fish and Wildlife
- Water Quality Best Management Practices (BMPs)
- Implementation of Water Quality BMPs
- Equipment Staging and Maintenance

The Program qualified as tier 2 and is the least environmentally damaging practicable alternative (State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, section IV.A.1.h).

## **VIII. Conditions**

Compliance with conditions of this Certification provides reasonable assurance that projects authorized under this Certification will comply with state and federally approved water quality requirements. The Water Board will review any project proposed for authorization under this Certification to analyze impacts to water quality and designated beneficial uses within the applicable watershed(s). If the eligibility requirements set forth in this Certification are not met, the Water Board will not authorize the proposed project under this Certification and instead require the Permittee to apply for an individual authorization or authorization under another order. In accordance with this Certification, the Permittee may proceed with an authorized project under the following terms and conditions:

### **A. Authorization**

RGP 99 provides terms of authorization that are incorporated herein by reference.

As set forth in RGP 99 general conditions, the Permittee must comply with the conditions specified in this Certification and any project specific Notice of Applicability (NOA) issued under this Certification. The Water Board may at its

discretion include additional project-specific conditions in an NOA to ensure impacts to waters of the state are avoided and minimized.

## **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 individual projects. Written reports and notifications must be submitted using the Report and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

### **1. Project Reporting**

- a. **Request for Authorization:** The Permittee shall submit a complete NOI (using the NOI form in Attachment C) for authorization under this Certification to the Water Board at least 45 days before the start of any Program activity. The NOI must provide all information requested in NOI Attachment C, including all proposed project impacts to waters of the state and project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable, a delineation of waters of the state within impact sites, and an application fee in the amount required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3).

The Permittee shall copy the Water Board when receiving a Notice to Proceed from the USACE. Program activities are not authorized by this Certification unless the USACE has provided verification that the activities qualify for RGP 99 or the USACE 45-day assumption of verification has expired.

The Water Board shall determine whether the activity is eligible for enrollment under this Certification. If authorized, Water Board will issue a NOA to the Permittee and the project may proceed as conditioned in the NOA. If the eligibility requirements set forth in this Certification are not met, the Water Board will not authorize the proposed project under this Certification and instead require the Permittee to apply for an individual authorization or authorization under another order. The Permittee may also choose to apply for an individual water quality authorization.

- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on or before July 31 for the previous calendar year. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter for each individual project (authorized with an NOA) to the Permittee.

### **2. Project Status Notifications**

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least 7 days prior to start of initial ground disturbance activities and, if applicable, corresponding

Waste Discharge Identification Number (WDID#) issued under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002).

- b. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter (Attachment E) when construction and/or any post-construction monitoring is complete, and no further individual project activities will occur. The request shall include pre- and post-construction photo documentation. This request shall be submitted to Water Board staff within 30 days following completion of all project activities. Upon approval of the request, the 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. Completion of post-construction monitoring shall be determined by Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria when a restoration/mitigation plan is needed.

### 3. **Conditional Notifications and Reports:**

The following notifications and reports are required as appropriate.

#### a. **Accidental Discharges of Hazardous Materials<sup>1</sup>:**

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:
  - a. First call – 911 (to notify local response agency)
  - b. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911

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<sup>1</sup> "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.)



- c. Lastly, follow the required OES procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web Page](https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/) (https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/)
- ii. Following notification to OES, the Permittee shall notify the Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within 5 business days of notification to the Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Water Quality Standards**

- i. The Permittee shall notify the Water Board of any event causing a violation of water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- ii. This notification must be followed within 3 business days by submission of a Violation of Water Quality Standards Report.

**c. In-Water Work and Diversions**

- i. The Permittee shall notify the Water Board at least 48 hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within 3 business days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Water Board staff.

**d. Modifications to Project**

Individual project modifications may require an amendment of this Certification. The Permittee shall give advance notice to Water Board staff if individual project implementation as described in a NOI 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 Water Board staff of any project modifications that will interfere with the Permittee's compliance with this Certification or NOA enrolling a specific project under this Certification. Notification may be made in accordance with conditions in the Deviation section of this Certification.

**e. Transfer of Property Ownership**

This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Water Board in accordance with the following terms:

- i. The Permittee must notify the Water Board of any change in ownership or interest in ownership of the Program 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 Water Board at least 10 days prior to the transfer of ownership.

The purchaser must also submit a written request to the Water Board to be named as the permittee in a revised Certification.

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

**f. Transfer of Long-Term BMP Maintenance**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the 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 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**

If surface water is present, continuous visual monitoring shall be conducted during active construction to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, uncured concrete).

**2. In-Water Work or Diversions**

For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Water Board staff for approval 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.

**3. Accidental Discharges/Noncompliance**

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Water Board in accordance with the Conditional Notifications and Reports section VII.B.3. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

**4. Post-Construction**

For one year following completion of project activities at an individual site/facility, the Permittee shall visually inspect a project site between October 30 and April 15 following each rain event that results in 0.5 inch or more of rainfall in 48 hours to ensure excessive erosion, stream instability, or water quality pollution is not occurring at or downstream of the project site. If erosion control measures have failed or water quality pollution is occurring, contact the Water Board staff member overseeing the project within 3

business days. The Water Board may require the submission of a Violation of Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

#### **D. Standard Conditions**

1. This action is subject to remand, amendment, or vacatur by judicial or administrative adjudication, including review pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, article 6 commencing with section 3867.
2. This Certification 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 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.

#### **E. Fees**

1. An application fee amount shall be determined for each individual project and submitted with the NOI. The fee is determined by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3). Appropriate fees will be determined by the fee regulations in effect at the time of NOI submittal for an individual project. Note that fees are periodically adjusted.
2. **Annual Fees:** This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until an individual project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (Attachment E). Invoices are usually sent out at the end of each calendar year.<sup>2</sup>

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Certification and NOA are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the Water Board's [Water Quality Fees website](#),<sup>3</sup> under Water Quality Certification (WQC) Program Fees.

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<sup>2</sup> Annual invoices for fill and excavation projects are issued for projects active for any amount of time in the current fiscal year (July 1 – June 30). Annual invoices for dredging projects are based on the quantity of dredged material in the previous fiscal year.

<sup>3</sup> [https://www.waterboards.ca.gov/resources/fees/water\\_quality/](https://www.waterboards.ca.gov/resources/fees/water_quality/)

## **F. General Compliance**

1. 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 Regional Water Board or an applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
2. An individual project must conform to the engineering plans, specifications, and technical reports submitted with the associated NOI. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification.
3. The Permittee shall adhere to all requirements in the Final IS/MND, including the MMP, which is incorporated herein by reference and also included in Attachment F, California Environmental Quality Act (CEQA) Findings of Fact.

## **G. Administrative**

1. Signatory requirements for all document submittals required by this Certification are presented in Attachment G of this Certification.
2. **Site Access:** The Permittee shall grant Water Board staff, including State Water Board and Regional 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 Program 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 Program or the requirements of this Certification.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification.
  - d. Sample or monitor for the purposes of assuring Certification compliance.
3. The Permittee is responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Certification shall be provided to any consultants, contractors, and subcontractors working on this Program. Copies of this Certification shall be accessible at each project site for the duration of project activities. All personnel performing work on the Program shall be familiar with the content of this Certification and how to access a copy from the individual project site.

## **H. Construction Conditions**

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training

documents, compliance tracking procedures) must be ready for use at the start of construction.

2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of Program related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.
3. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils are stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of individual project disturbance are prohibited.
4. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the Program goal. Routes and work area boundaries must be clearly demarcated.
5. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
6. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
7. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary crossing structure.
8. **Topsoil:** For excavation beyond restoring as-built conditions, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.
9. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designated, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the Permittee shall be responsible for restoration of conditions

as necessary (as determined by the Water Board) to secure passage of fish across the structure.

10. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.
11. **Use of Mechanized Equipment:** Activities permitted under this Certification shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate project specific BMPs shall be specified by the Permittee and shall be approved by Water Board staff prior to project discharges.
12. **Piers or Piles:** Piers or piles placed in the stream channel to support a linear transportation structure over a creek channel must be aligned parallel with the direction of flow to prevent erosive eddies.
13. **Culvert Construction or Maintenance**
  - a. Cured in Place Pipe (CIPP) is prohibited where it could cause detrimental physiological responses to human, plant, animal, or aquatic life, or cause discharges to waters of the state that do not comply with water quality objectives or goals. For project activities involving CIPP, a construction plan must be submitted to Water Board staff for approval at least 30 days in advance of any discharge to the affected water body. The plan must address compliance with water quality objectives or goals. CIPP is prohibited unless authorized in the NOA for a specific project.
  - b. Replacement of culverts acting as grade control structures is prohibited. A vertical gap between the outlet of the culvert and the immediate downstream invert of the stream channel indicates that the culvert likely functions as a grade control structure.
  - c. Projects proposing to replace culverts must repair any existing scour or headcutting actively discharging sediment, caused by prior culvert design.
  - d. The replaced or maintained culvert shall be in alignment with the stream channel upstream and downstream of the culvert.
  - e. Any replacement culvert or culvert that is to be left in place by a repair or maintenance project must be placed at a gradient and orientation that will not result in erosional scour at the outlet.
  - f. Replacement of a culvert with a similarly sized culvert is allowable only where there is no visual indication that the existing culvert is undersized.

Visual indications of undersized culverts include but are not limited to: sediment aggradation upstream of the culvert; evidence of flow over the top of the culvert (e.g., erosional rills in dirt road surfaces or erosion of shoulders adjacent to paved road surfaces), erosion of the fill cell between the culvert and the road surface, scour pools at the culvert outlet, or erosion of creek banks immediately downstream of the culvert.

- g. Culverts with solid bottoms (e.g., cylindrical culverts or box culverts) may be replaced with arch culverts or free-span bridges, if the existing culvert is not acting as a grade control structure.
- h. The culvert must not be located in a meander bend of the stream channel.
- i. Replacement culverts must be sized to convey flow capacities equal to or greater than original designs, and where possible, to accommodate a 100-year flow event with debris, without pressurizing flow passing through the culvert. The 100-year flow event should be modeled under climate change projections, if available.

#### **14. Toxic and Hazardous Materials**

- a. Activities permitted under this Certification shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.
- b. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed by delivery to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.
- c. Appropriate BMPs must be implemented throughout Program activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.
- d. Activities permitted under this Certification shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be specified by the Permittee and shall be approved by Water Board staff prior to project discharges. These BMPs shall include, at a minimum:
  - i. All personnel handling fuels and other hazardous materials shall be properly trained.
  - ii. Adequate spill prevention and cleanup equipment and materials shall be present on-site at all times during Program implementation.

- iii. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.
- iv. All on-site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.
- v. All equipment shall be fueled, maintained, and/or parked overnight in an upland area, which will be identified in the NOI and located a sufficient distance to avoid introduction of equipment-related impacts to any delineated waters of the state. The Water Board may require storage and staging areas to be relocated.
- vi. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.
- vii. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.
- viii. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.
- ix. Spill containment supplies shall be on-site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.
- x. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.
- e. Projects that create new or affect existing wetland areas shall be designed to include features or management measures to reduce the production of methylmercury in the wetland, including minimizing the wetting and drying of soils by keeping wetlands flooded and sediment control measures to reduce the transport of total mercury or methylmercury out of the wetland.

#### **15. Invasive Species and Soil Borne Pathogens**

- a. The Permittee is responsible for ensuring that all Program personnel follow proper weed control practices, and that appropriate weed prevention measures are included in Program plans.
- b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.
- c. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops, or ornamental plants (e.g., *Phytophthora ramorum*, the cause of sudden oak syndrome, and *Phytophthora lateralis*, the cause of



Port Orford cedar root disease). Any equipment entering or leaving project areas from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving a project area. The fungus that causes Valley Fever, *Coccidioides spp.*, is not considered a soil borne pathogen in this Certification.

#### **16. Work in Delineated Waters of the State**

- a. Work in waters of the state must not cause or contribute to an exceedance of water quality objectives in the receiving waters. Work in delineated waters commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. This applies to work in any delineated waters of the state, regardless of the presence or absence of flowing or standing water.
- b. Temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas shall be performed according to the dewatering plan provided by the Permittee, including appropriate monitoring for water quality upstream and downstream of diversion structures as required in the Monitoring Section of this Certification.
- c. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.
- d. Except for the following conditions, equipment must not be operated in standing or flowing waters without site specific approval from Water Board staff:
  - i. All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized.
  - ii. Cofferdams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.
  - iii. Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support

existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-project flows must be restored to the affected surface water body upon completion of work at that location.

- e. If groundwater dewatering is required for the Program, the Permittee shall consult with the Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact must be notified and copied on pertinent correspondence pertaining to those other required permits.
- f. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.
- g. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in the Monitoring Section of this Certification.

## **17. Stormwater**

If an individual project conducted as part of the Program obtains coverage under the Construction General Permit, the Permittee shall comply with the requirements in the Construction General Permit. Compliance with the Construction General Permit constitutes compliance with Erosion and Sediment Control Conditions 18.a.i-iii below.

If an individual project conducted as part of the Program does not obtain coverage under the Construction General Permit, individual project plans shall include the appropriate erosion and sediment control conditions described below.

### **a. Erosion and Sediment Control**

- i. No later than 24 hours prior to the start of a likely rain event (defined below), the Permittee shall ensure that disturbed project areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a 50 percent or greater probability of producing precipitation in the project area.
- ii. After any rain event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within

the next 72 hours for erosion and sedimentation problems and take corrective action as needed.

- iii. Installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from other exposed or disturbed project areas that have not been landscaped and are protected from sediment accumulation.

## 18. Sediment Disposal

Sediment disposal can be characterized into seven categories based on potential reuse or disposal opportunities. These disposal options are listed below in preferential order according to sustainability objectives.

- a. **On-site reuse.** This category includes reusing the sediment on-site (i.e., at the project site) within the channel or easement area for various fill or restoration purposes. For example, sediment excavated from the channel bottom could be placed adjacent to the active channel (remaining within the easement area), to enhance soil, vegetation, and riparian habitat conditions. Sediment could also be used on-site for bank stabilization purposes.
- b. **Other channel or easement reuse.** Similar to on-site reuse, this category includes reusing the sediment within channel or easement areas for fill or restoration purposes. The key difference is that this category would occur at a different channel or easement area within the Program area, but in a similar setting to where the sediment was originally removed.
- c. **Wetland or floodplain restoration or enhancement.** This category consists of reuse of the sediment outside or off site of channel or easement areas, but in a wetland or floodplain setting to support ecologic functioning and habitat.
- d. **Upland agricultural or commercial reuse (dry).** Sediment would be reused for upland agricultural or commercial reuses that are dry, whereby the sediment would be prevented from secondary erosion to stream channels or water bodies.
- e. **Upland agricultural or commercial reuse (wet).** Sediment would be used as fill for an approved and permitted wetland project that requires the use of sediment with similar wetland properties.
- f. **Landfill disposal.** In this option the sediment would be disposed at an approved and operating landfill for use as daily cover material for landfill operations.

## 19. Vegetation Removal

Vegetation removal shall meet the following requirements:

- a. Class 1: Existing concrete-lined and grouted riprap-lined (concrete/riprap bed and banks) channels with sparse or no vegetation cover. Sparse

means no more than 20 percent of the total vegetation cover within the channel can be native. Class 1 channels may be cleared of all vegetation.

- b. Class 2: Channels that are in all respects defined under Class 1, except they possess either an earthen or un-grouted riprap bank or earthen or un-grouted riprap channel bottom. Class 2 channels may be cleared of vegetation as follows:

- i. Vegetation removal in the Class 2 channels shall be conducted in a noncontinuous manner, as feasible, allowing small patches of in-channel vegetation to persist.
- ii. When vegetation removal is deemed necessary, mowing and/or trimming of vegetation, or herbicide treatment if necessary, shall be done. Uprooting vegetation should be avoided whenever practicable in order to maintain soil stability.
- iii. Permittee shall avoid removal of emergent herbaceous vegetation on the channel bottom that is rooted in or near the low flow channel or a pond in order to provide cover for aquatic wildlife, where feasible. Native non-woody vegetation that does not interfere with designed flood control capacity shall be allowed to grow between sediment removal activities within Class 2 channels. If necessary to alleviate flood risk between sediment removal activities, native non-woody vegetation may be cut down to a level above the water line or root zone.
- iv. No living native vegetation with a diameter at breast height in excess of 3 inches and located above the maintenance baseline shall be removed or damaged without prior approval by the Water Board.

- c. Class 3: Channels that are defined under Class 2 and have native vegetation that exceeds the limitations of Class 1. Class 3 channels may be cleared of vegetation adhering to Class 2 requirements in addition to the following:

- i. Native vegetation removed from Class 3 channels shall not exceed the minimum necessary to complete the identified activities for each maintenance activity. Appropriate precautions shall be taken to avoid inadvertent damage to native vegetation by people or equipment.
- ii. Native vegetation removal shall be subject to the appropriate restoration and monitoring requirements (section VIII.I, Temporary Impact Restoration).

20. **Mowing:** A maintenance project consisting solely of vegetation mowing that does not discharge waste into a water of the state and does not consist of any other type of maintenance authorized under RGP 99 is not required to submit an NOI for coverage under this Certification.

21. **Herbicide Application:** Any herbicide spraying activity shall be permitted only after the Permittee has obtained authorization from the Water Board to do so under the Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (Water Quality Order No. 2013-0002-DWQ; General Permit No. CAG990005) or subsequent issuance thereof (Pesticide General Permit).

**I. Temporary Impact Restoration**

1. If a restoration (revegetation) plan has been developed for the facility, include the plan as an attachment to the project NOI.

If a plan needs to be developed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impact to pre-project conditions shall be submitted with the NOI to Water Board staff for approval. The design components shall include the objectives of the restoration plan; grading plan of disturbed areas to pre-project contours; a planting palette with plant species native to the area; seed collection locations; and an invasive species management plan. The implementation component shall include all proposed actions to implement the plan (e.g., re-contouring, initial planting, site stabilization, removal of temporary structures) and a schedule for completing those actions. The maintenance and assessment components shall include a description of performance standards used to evaluate attainment of objectives; the timeframe for determining attainment of performance standards; and maintenance requirements (e.g., watering, weeding, replanting and invasive species control).

If temporary impacts are proposed to be restored through passive restoration, a draft restoration plan shall be submitted with the NOI and include an explanation of how passive restoration will restore the area to as-built conditions, assessment components, and an estimated date for expected restoration.

Temporary impacts to waters of the state are not authorized and shall not occur until a restoration plan has been approved in writing by Water Board staff.

2. The Permittee shall provide annual monitoring reports for restoration activities, if required, in accordance with conditions set forth in Attachment D.
3. The Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination that the performances standards have not been met or are not likely to be met within the monitoring period.

## **J. Compensatory Mitigation**

No compensatory mitigation is required for permanent impacts because permanent impacts resulting in physical loss of waters are not authorized under this Certification.

## **K. Deviations**

1. Minor modifications of individual 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 Deviations as set forth in Attachment H. For purposes of this Certification, a "Deviation" is a project locational or impact modification that does not require an immediate amendment of the Certification or NOA, because the Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Certification and NOA conditions and the CEQA Findings. This Certification will be amended to reflect all authorized 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 Deviation if it would require changes to the Certification conditions or the CEQA environmental document such that the project impacts are not addressed in the Program's environmental document or the conditions of this Certification. In this case a supplemental environmental review and different Certification will be required.

## **IX. Public Notice**

The Water Board complied with applicable public notice requirements. The Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from February 6, 2024, to February 27, 2024. The Water Board did not receive any comments during the comment period. Public notice regarding the Final IS/MND is described in Attachment F, CEQA Findings of Fact.

## **X. CEQA**

RCFCWCD, as lead agency, certified a Final IS/MND (State Clearinghouse (SCH) No. 2017021032) associated with the RGP 99 Routine Operation and Maintenance Program for Low-Impact Facilities and filed a Notice of Determination (NOD) at the SCH on March 28, 2017. In August 2024, RCFCWCD, as lead agency, certified an Addendum to the Final IS/MND (Addendum) for the current Program. Pursuant to CEQA, the Water Board has made Findings of Fact (Findings) which support the issuance of this Certification and are included in Attachment F.

The Water Board will file a NOD at the SCH within 5 business days of issuance of this Certification.

## **XI. Petitions for Reconsideration**

Any person aggrieved by this action may petition the Water Board to reconsider this Certification 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 Certification.

## **XII. Water Quality Certification**

I hereby issue the Certification for the Routine Operation and Maintenance Program for Low-Impact Facilities, RGP 99, SB24005GN, certifying that as long as all of the conditions listed in this Certification are met, any discharge from the referenced Program 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).

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

Authorization is contingent on: (a) compliance with the conditions of this Certification and the attachments to this Certification; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans.

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Date

  
**Phillip Crader** Digitally signed by Phillip Crader  
Date: 2025.09.23 11:21:45 -07'00'  
Water Boards

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Phillip Crader, Deputy Director  
Division of Water Quality