



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Executive Office

Charles R. Hoppin, Chairman  
1001 I Street • Sacramento, California 95814 • (916) 341-5603  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

JUL 15 2010

Ms. Peggy Womack  
AT & T Corp.  
3001 Cobb Parkway NW, Room 162-022  
Atlanta, GA 30339-3402

Dear Ms. Womack:

ORDER FOR CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY  
CERTIFICATION FOR THE AT&T CORPORATION NEXGEN/CORE FIBER OPTIC  
TELECOMMUNICATIONS SYSTEM PROJECT (STATE WATER BOARD FILE NO.  
SB09008IN --- CORPS FILE NO. 2000 1757-TCD)

AT&T Corporation (AT&T, or Applicant) submitted an application on October 15, 2009 for issuance of a 401 Water Quality Certification (Certification) for the AT&T Corporation NexGen/Core Fiber Optic Telecommunications System Project (Project). A Certification for this project was originally issued by the State Water Resources Control Board (Water Board) on May 2, 2001. (The project was originally certified as the AT&T Corporation NexGen/Core Fiber Optic Conduit Installation Project – Los Angeles to San Diego and – San Diego to Blythe). The Project, as previously permitted, was completed for most of the right-of-way between Blythe and San Diego except for one section of right-of-way approximately 45 miles in length. The applicant now plans to complete the originally planned project by completing that section of right-of-way. This Certification will allow AT&T to install approximately 25 miles of new fiber optic conduits and cables, and ancillary access points. Additional access points for an additional 17 miles of previously installed conduit will also be installed.

The applicant has received a U.S. Army Corps of Engineers (Corps) Individual Permit (Corps No. 2000 1757-TCD) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) for the proposed Project. State Water Resources Control Board (State Water Board) staff reviewed the information submitted by the Applicant describing the project activities and the proposed water quality protection measures.

The State Water Board is responsible for permitting projects that involve more than one Regional Water Quality Control Board. Consultations regarding this project were conducted with the San Diego Regional Water Quality Control Board and the Colorado River Basin Regional Water Quality Control Board. In addition, consultations were conducted with the U.S. Army Corps of Engineers.

*California Environmental Protection Agency*

JUL 13 2010

Pursuant to Title 23, section 3838 of the California Code of Regulations, in the enclosed Certification order, I have made the determination described in the Enclosure for these projects. Attachments A through D to the Enclosure are also a part of this Certification.

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 558-1709 ([charvey@waterboards.ca.gov](mailto:charvey@waterboards.ca.gov)). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 ([borme@waterboards.ca.gov](mailto:borme@waterboards.ca.gov)).

Sincerely,



Dorothy Rice  
Executive Director

Enclosures: Certification Order with Attachments A-D

- Attachment A: Signatory Requirements
- Attachment B: Project Information Sheet
- Attachment C: Mitigation Monitoring and Reporting Plan
- Attachment D: Spill Prevention, Containment and Control Plan
- Attachment E: Directional Bore Contingency Plan

cc: Mr. Mike Takac  
Land Services, Inc.  
7680 Goddard St., Su. 120  
Colorado Springs, CO 80920

Mr. Gerard J. Thibeault  
Executive Officer  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

Mr. Kirk Walker  
California State Lands Commission  
100 Howe Street, Suite 100 South  
Sacramento, CA 95825

cc: (See next page)

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cc: (Continuation page)

cc: Mr. David Castanon, Chief  
Regulatory Branch  
Los Angeles District  
U.S. Army Corps of Engineers  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Mr. Samuel Unger  
Interim Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Mr. David W. Gibson  
Executive Officer  
San Diego Regional Water Quality Control Board  
9771 Clairemont Mesa Boulevard, Suite A  
San Diego, CA 92124-1324

Mr. Phil Gruenberg  
Executive Officer  
Colorado River Basin Regional Water Quality Control Board  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

Ms. Michelle Mattson  
U.S. Army Corps of Engineers  
San Diego Section  
6010 Hidden Valley Rd, Suite 105  
Carlsbad, California 92011

Mr. Robert E. Perdue  
Executive Officer  
Colorado River Basin Regional Water Quality Control Board  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

Mr. Pete Sorenson  
Carlsbad Fish & Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011  
Phone: (760) 431-9440 ext. 293

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cc: (Continuation page)

cc: Mr. Stefan Awender  
Environmental Scientist  
California Department of Fish and Game  
P.O. Box 2160  
Blythe, California 92226  
760-604-6170  
Fax: 760-922-5638  
[SAwender@dfg.ca.gov](mailto:SAwender@dfg.ca.gov)

Mr. Jason Brush  
Chief, Wetlands Regulatory Office (WTR-8)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
[brush.jason@epa.gov](mailto:brush.jason@epa.gov)

Ms. Jennifer Whyte  
Realty Specialist  
Bureau of Land Management  
El Centro Field Office  
1661 S 4th Street  
El Centro, CA 92243  
[Jennifer\\_Whyte@ca.blm.gov](mailto:Jennifer_Whyte@ca.blm.gov)





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# State Water Resources Control Board

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Arnold Schwarzenegger  
Governor

ORDER FOR CLEAN WATER ACT (CWA) SECTION 401  
WATER QUALITY CERTIFICATION FOR THE AT&T CORPORATION  
NEXGEN/CORE FIBER OPTIC TELECOMMUNICATIONS SYSTEM PROJECT  
(STATE WATER BOARD FILE NO. SB09008IN --- CORPS FILE NO. SPL-2009-  
00676-MLM))

**PROJECT:** CWA Section 401 Certification for the AT&T Corporation NexGen/Core Fiber Optic Telecommunications System Project

**APPLICANT:** Peggy Womack  
AT & T Corp.  
3001 Cobb Parkway NW, Room 162-022  
Atlanta, GA 30339-3402

This Order responds to your request on behalf of AT & T Corporation. (Applicant) for an issuance of a 401 Water Quality Certification (Certification) for the AT&T Corporation NexGen/Core Fiber Optic Telecommunications System Project (Project). A Certification for this project was originally issued by the State Water Resources Control Board (Water Board) on May 2, 2001. (The project was originally certified as the AT&T Corporation NexGen/Core Fiber Optic Conduit Installation Project – Los Angeles to San Diego and – San Diego to Blythe). The Project, as previously permitted, was completed except for a 45 mile segment that is the subject of this Certification.

The applicant has applied for the U.S. Army Corps of Engineers (Corps) of the intent to exercise Nationwide Permit 12 (Corps No. 2009 1757-00676) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) for the proposed Project.

The California Environmental Quality Act (CEQA) documentation for the original project was updated with new sections on greenhouse gas emissions (GHG) and growth inducing effects. With the implementation of the applicable mitigation measures prescribed in the Mitigated Negative Declaration (MND), construction of the proposed project will not result in significant adverse impacts to the environment.

**ACTION:**

<input type="checkbox"/>	Order for Standard Certification	<input type="checkbox"/>	Order for Denial of Certification
<input checked="" type="checkbox"/>	Order for a Technically Conditioned Certification	<input type="checkbox"/>	Order for Waiver of Waste Discharge Requirements

*California Environmental Protection Agency*



## PROJECT DESCRIPTION:

The Project consists of direct burial of six 1.5 inch diameter conduits by means of a tractor mounted cable plow, trenching, or directional boring along a right-of-way which proceeds in a southerly direction approximately 25 miles of from the town of Blythe. Fiber optic cables will later be installed in the conduits. Construction will occur in a work corridor that varies from 20 to 40 feet wide. Buried vaults (called "handholes" and "manholes") will be placed at approximate 2500 foot intervals to provide access and assist points when installing the cable. Additional upland project activity will occur at 17 points along an additional 20 miles of right-of-way (ROW) for the purpose of installing cable additional handholes and manholes for access to previously installed conduits.

## STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations.
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, Title 23 of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, Title 23 of the California Code of Regulations and owed by the applicant. A deposit of \$640.00 was received on Oct. 15, 2009. A final payment of \$1,198.00 was received on June 3, 2010 to comprise the full payment of \$1838.00.

## ADMINISTRATIVE CONDITIONS:

1. Applicant shall construct the Project in accordance with the conditions described in the application, supporting documents and this Certification Order.
2. This Certification shall expire upon the expiration or retraction of the CWA Section 404 permit issued by the U.S. Army Corps of Engineers (Corps), or five (5) years from the date of issuance of this Certification, whichever comes first.
3. Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site(s) during construction for review by site personnel and agencies. All personnel

(employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. Applicant shall grant State Water Board and Regional Water Quality Control Board (Regional Water Board) staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project may have on the waters of the State.
5. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the State Water Board at least 30 days prior to the start of construction. Except as expressly allowed in the Certification, the discharge, or creation of the potential for discharges, to waters of the State of any construction wastes and/or soil materials including cement, fresh concrete, or washings thereof, silts, clay, sand, oil or petroleum products and other organic materials to waters of the State is prohibited.
6. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, processes, or sanctions as provided for under State or federal law. For purposes of the CWA section 401 (d), the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
7. In response to a suspected violation of any condition of this Certification, the State Water Board may require the holder of this Certification to furnish, under the penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
8. The State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the CWA.
9. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Applicant and/or responsible Project Site Supervisor, if the State Water Board determines that





the project fails to comply with any of the terms or conditions of the Certification.

10. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game (CDFG) pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
11. Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.
12. This Certification does not obviate the need to obtain other permits that may be required by federal, state, or local authorities.
13. Failure to comply with any condition of this Certification shall constitute a violation of the CWA and the Porter-Cologne Water Quality Control Act. Any such Certification previously granted shall immediately be revoked, and any or all discharges shall cease. The Applicant may then be subject to administrative and/or civil liability pursuant to Water Code 13385.
14. All protective measures included in the Biological Opinion FWS-ERIV-1174.3 issued by the United States Fish and Wildlife Service (USFWS) for this project shall be implemented.
15. Any significant modifications to the Spill Prevention, Containment and Control Plan (Attachment D), Mitigation and Monitoring Report Plan (MMRP) (Attachment C), the Frac-out Plan (Attachment E) or the must be approved by the State Water Board before implementation.





### **Compliance with Other Documents and Agency Requirements:**

1. The project shall be implemented as described in the application materials and in compliance with all other agency permits, including California Department of Fish and Game Section 1602 Stream and Lake Bed Alteration Agreement 1600-2009-0093-RS. Any deviation from the proposed project shall require notification of such to the State Water Resources Control Board (State Board) and the appropriate Regional Board contact persons listed below, and may require revision to the existing certification, or issuance of a new certification. This certification does not apply to discharges which require a permit under Section 402 of the Clean Water Act (e.g., a stormwater construction or other National Pollutant Discharge Elimination System permit).

### **Controls on Trenching, Drilling, and Boring Activities**

2. Proper coordination with appropriate agencies prior to trenching, drilling, and boring shall be performed to ensure that construction crews are fully aware of the location of buried sewage lines, pipelines, and other objects to avoid potential pollution spillage into Waters of the State.

3. The discharge of Bentonite or other drilling muds into waters of the state is prohibited.

4. Release of drilling lubricants through fractures in the streambed or bank substrate during drilling is referred to as a "frac-out." Because of the potential for frac-outs to occur, all conditions and requirements of the Boring Plan and Frac-Out Prevention and Clean Up Plan (Attachment E), shall be followed.

5. Whenever boring equipment design limits may be approached, DFG and the State or Regional Board(s) shall be so notified as described in the Boring and Frac-out Plan.

6. Boring activities under ephemeral /seasonal surface waters shall occur only when low or no flows are present. If the site is determined to be at high risk for a discharge and flows are present, a means of containment (e.g., damming, fluming) or screening the stream capable of capturing all of the potential discharge shall be pre-staged. The downstream end of any such structure shall be capable of containing all bentonite or other drilling muds or debris that may be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structures. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the structures (e.g., dam, flume, screen).

7. As may be conditioned in the Streambed Alteration Agreement, the Drilling and Boring Plan and Frac-Out Prevention and Clean Up Plan shall specify that an Environmental Compliance Monitor (Monitor) shall be present during boring and drilling activities. This Monitor may be the same person as the Biological Monitor if that person

is qualified to report on compliance with the conditions of this certification. The Monitor shall observe, document and report the degree of compliance with the conditions of this Certification as well as those of the Streambed Alteration Agreement and any other pertinent permit conditions from any other regulatory agencies. In addition to any emergency reports submitted as required, these reports shall be included in annual monitoring reports as described in Part V of these conditions.

8. Boring activities will occur during daylight hours to ensure effective monitoring, quick discovery of problems or spills, and rapid implementation of mitigation measures, unless drilling after sundown is otherwise required by another Federal, State or Local authority. If work must occur at night, notification shall be provided to the appropriate State and Regional Board staff, and steps shall be taken to ensure adequate visibility for workers, supervisors, and monitors (e.g., use of portable high-output lighting).

9. All drilling mud will be contained and properly disposed of after drilling activities are completed.

10. Any drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frac-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frac-outs are likely to occur, the risk shall be reduced by using lower pressure, thicker drilling mud mixtures, differing boring depths, or other engineering solutions that would be expected to minimize potential for frac-out.

### **Prevention and Control of Other Discharges**

11. All activities shall adhere to appropriate requirements and prohibitions in the State Water Quality Control Plans, including the Basin Plans and California Ocean Plan, which define the beneficial uses of the Waters of the State (e.g., fish, wildlife, aesthetics, drinking water, ground water, etc.).

12. Discharges which are prohibited include, but are not limited to:

- a. Any material (including soil) in concentrations toxic to humans, plant, or animal life;
- b. Oil, grease, wax, or fuel to receiving waters or to the substrate (where it may enter ground water);
- c. Anything that may cause a visible film or coating on the surface of or on objects in receiving waters;
- d. A concentration of bioconcentration of toxic pollutants in the water column, sediments, or biota so as to adversely affect the beneficial uses of water or human health;
- e. Anything that contributes to excessive algae growth in the project area or receiving waters.



- f. Anything that discolors receiving waters so as to be harmful to beneficial uses;
- g. Floating materials including solids, liquids, foam or scum that adversely affect beneficial uses; and
- h. Anything that increases turbidity in receiving waters so as to cause nuisance or adversely affect beneficial uses.

13. Disturbance or removal of riparian or in-stream vegetation shall not exceed the minimum necessary to complete operations.

14. No equipment shall be operated, including trenching operations, in flowing or standing water within a stream channel.

15. No debris, soils, silt, sand, cement, concrete, bentonite-containing or other drilling mud, or washings thereof, other construction-related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State.

16. No cleaning, lubrication, refueling, or maintenance of equipment will occur where potential spills can enter waters of the State (including via gutters and storm drains). Such activities are prohibited within 50 feet of any water body with the following exceptions.

- a. Such activities shall be allowed within 50 feet of waters of the State only when removal of non-mobile or low mobility equipment (e.g. directional boring equipment) out of and away from waters of the State would result in unnecessary and unavoidable additional damage to the environment (e.g., to stream banks, riparian vegetation, and coastal shorelines).
- b. Under such circumstances, the applicant shall take extraordinary care not to discharge fuel, oil, or other materials that may harm beneficial uses of water. The applicant shall use appropriate devices (e.g., commercially available mats designed to be placed under equipment in order to catch spilled petroleum products) to prevent fuel and oil from reaching underlying soils.
- c. This allowance may be revoked at any point and prohibition applied by the State Board, Regional Board or the Corps against fueling or maintenance in waters of the State or the United States if discharges of fuel or oil or other waste occur.

17. Storage/staging facilities shall not be placed, and re-fueling equipment shall not be stored, in or within 200 feet of Waters of the State or waters of the United States.

18. No trash, garbage, sewage, debris, or wastewater from any activities at project sites shall be disposed of or allowed into waters of the State. All project vehicles shall carry and use trash bags or containers at all times. With the exception of designated storage or staging yards, waste or garbage of all types, including food waste, will be carried off site and properly disposed of daily, and will not be stored at any project activity site beyond the end of any work day.

19. When feasible, the applicant shall hang cable structures from existing bridges or other structures rather than risk disturbing or drilling under State waters.

20. Activities shall avoid all temporary and permanent deleterious impacts to vernal pools and vernal pool complexes if need be by diverting construction around vernal pools or by directional boring safely under and well outside the pool complexes.

21. In particular, no activity shall create a nuisance or pollution as defined in California Water Code section 13050, or cause a violation of any water quality standard applicable to regional water bodies (as discussed in the Regional Water Quality Control Plans).

### **Accidental Discharges and Emergencies**

22. In the event of a frac-out or any other accidental discharge affecting waters of the State, or any discharge to land or water which triggers implementation of emergency response under Attachment D Spill Prevention, Containment and Clean-up Plan, the applicant shall notify State Water Board staff and the staff of the appropriate Regional Board within 24 hours by phone message and e-mail. Notification shall include, but not be limited to, duration of discharge, amount and type of material discharged, amount of material recovered, description of existing resources affected by the discharge, description of impacts resulting from the discharge and clean-up activities, and a description/discussion of any necessary restoration measures.

### **Mitigation and Monitoring of Impacts to Aquatic, Wetland, and Riparian Areas**

23. A qualified field monitor with background experience in aquatic resource protection shall be on site to regulate activities that may result in impacts to aquatic, wetland, and/or riparian features (e.g., boring, trenching, vegetation removal, and equipment operation in or near waters of the State). Within 10 days after work is completed, a report on such impacts, if any, shall be transmitted to the State Board and the appropriate Regional Board. In addition, any significant adverse impacts, not previously described in the application and supporting documentation, occurring during construction/operations shall be reported (via phone message and e-mail) to the State Board and the appropriate Regional Board by close of business on the day of occurrence.



24. Disturbed areas shall be restored to original surface contours, and erosion control measures shall be implemented as necessary, and appropriate revegetation measures will be implemented.

25. If mitigation for accidental discharges is required by any authority, the applicant shall provide a copy of the mitigation plan to the State Board and the appropriate Regional Board within 30 days of completion of activities within that Region. For all compensatory mitigation, the mitigation plan shall include success criteria and a mitigation monitoring plan. A remedial action plan shall be developed and submitted to the State Board and the appropriate Regional Board if success criteria are not achieved.

### **General Best Management Practices (BMPs)**

26. Appropriate BMPs shall be implemented throughout the project activities to help minimize sediment disturbance and suspension within the water. All BMP materials shall be on site and ready for use prior to project implementation. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.

27. No equipment shall be operated in areas of flowing or standing water; no fueling, cleaning or maintenance of vehicles or equipment shall take place within jurisdictional waters or any areas where an accidental discharge may occur.

28. No debris, soil, silt, sand, cement, concrete, or washings thereof, other construction related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into jurisdictional wetlands or waters. Upon completion of construction, all construction-related materials shall be removed from the work area and any areas adjacent to the work area.

29. Disturbance or removal of vegetation shall be minimized. The site shall be stabilized utilizing BMPs, including the successful reestablishment of native vegetation, to enhance wildlife habitat values, and to prevent and control erosion and sedimentation. Revegetation work is not confined to the period of April 1 to October 15, but must be completed in the same calendar year.

30. Designs and details for all post construction BMPs shall be submitted to the State Water Board for review and approval. Post construction BMPs shall not be constructed until State Water Board staff has approved the designs for the BMPs.

## Monitoring Reports

31. All reports described in Section 8.0 of the Mitigation Monitoring and Reporting Plan (MMRP) (pp. B13-B14), shall be provided to the 401 Program Managers of the State Water Board and the appropriate Regional Water Board(s). In addition, annual monitoring reports will be submitted by November 1 of each monitoring year to the 401 Program Managers of the State Water Board and the appropriate Regional Water Board(s) documenting work undertaken in the previous year(s). The reports, at minimum, shall include documentation of compliance with the following mitigation measures (MMs):

BIO-3; BIO-8; BIO-9; BIO-17; BIO-18; BIO-25; GS-10.

Reporting for MMs BIO-3 and GS-10 shall include documentation of observed conditions of stream channels affected by project activity, and recommend remedial actions when needed.

For MMs that do not specify a reporting period, reports will be provided for a minimum of five years. For all MMs, including those MMs which specify a three year reporting period, reporting will continue until the end of the reporting period, or until successful implementation of the MM is documented, whichever comes last.

The reports shall include:

- a. Names, titles, and affiliations of all persons who prepared the report and conducted field work;
- b. Copies of USACE permits, any special Conditions, and subsequent Letters of Memorandum;
- c. Analysis of all quantitative monitoring data;
- d. Electronic or color copies of all photo-documentation;
- e. Maps showing the monitoring area, vegetation survey sites, and photo-documentation points; and
- f. Remedial action recommendations, as needed.

Reports shall be directed to: Program Manager, Certification and Wetlands Program at the following State and appropriate Regional Water Board office(s):

State Water Resources Control Board  
Division of Water Quality  
1001 "I" Street, 15<sup>th</sup> Floor  
Sacramento, CA 95814

Colorado River Basin regional Water Quality Control Board  
401 Certification Unit  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260



The Applicant shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to contain the discharge, and measures used to prevent future discharges.


#### STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709 ([charvey@waterboards.ca.gov](mailto:charvey@waterboards.ca.gov)). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 ([borme@waterboards.ca.gov](mailto:borme@waterboards.ca.gov)).

#### WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), if all of the conditions listed in the certification action are met. This discharge is also regulated pursuant to State Water Board 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.).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Mitigation and Monitoring plan for Jurisdictional Waters of the U.S, Project Information Sheet (Attachment A), and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan.

  
Dorothy Rice, Executive Director  
State Water Resources Control Board

Date 7-14-10

#### Attachments:

- A. Signatory Requirements
- B. Project Information Sheet
- C. Mitigation Monitoring and Reporting Plan
- D. Spill Prevention, Containment and Control Plan
- E. Directional Bore Contingency Plan