

APPENDIX A
REGULATORY DREDGING PERMITS AND APPROVALS

Permits and Approvals Included:

- CDFW Final Lake Alteration Agreement EPIMS Notification No. SJN-64841-R2
- CVRWQCB Clean Water Act Section 401 WQC WDID #5B39CR00439
- CVRWQCB Notice of Applicability General Waste Discharge Requirements Order R5-2009-0085 For Maintenance Dredging Operations; Port of Stockton; Port of Stockton Cyanobacteria Harmfull Algal Bloom Maintenance Dredging Project, San Joaquin County
- USACE Section 10 Letter of Permission, File No. SPK-2026-00042
- National Marine Fisheries Service Letter of Concurrence, NMFS No. WCRO-2026-00366
- U.S. Fish and Wildlife Service, USFWS, File No. 2026-0025409-S7-001
- CVRWQCB General Waste Discharge Requirements For Maintenance Dredging Operations Sacramento-San Joaquin Delta, Order R5-2009-008

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670



LAKE ALTERATION AGREEMENT
EPIMS NOTIFICATION No. SJN-64841-R2
MCLEOD LAKE

JASON CASHMAN
PORT OF STOCKTON CYANOBACTERIA HARMFUL ALGAL BLOOM MAINTENANCE
DREDGING

This Lake Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Port of Stockton (Permittee) as represented by Jason Cashman.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on February 5, 2026, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in this Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed this Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with this Agreement.

PROJECT LOCATION

The project is located at McLeod Lake, in the County of San Joaquin, State of California; Latitude 37.95383, Longitude -121.29614 (WGS 84 datum, decimal degrees) or Section 10, Township 01N, Range 06E, U.S. Geological Survey (USGS) map Stockton West, Mount Diablo Meridian, West Charter Way, Stockton, CA 95203; Assessor's Parcel Number 137-010-060-000; 137-010-070-000; 137-010-080-000; and 137-410-160-000.

Exhibit A shows the project location.

PROJECT DESCRIPTION

The project is limited to maintenance dredging a portion of McLeod Lake to remove sediment within a maximum area of approximately 11.2 acres. Dredging will be divided

into 3 areas designated A, B, and C. Area A will serve as the primary dredging area, while Areas B and C may be utilized as additional secondary dredge areas depending on pre-project survey results. Area A will include a required dredge volume of 11,600 cubic yards and an overdredge volume of 23,400, totaling to a maximum total dredge volume of 35,000 cubic yards. Area B will include a required dredge volume of 3,400 cubic yards and an overdredge volume of 6,900 cubic yards which totals to a volume of 10,300 cubic yards. Area C includes a required dredge volume of 3,200 cubic yards and an overdredge volume of 6,400 cubic yards which totals to 9,600 cubic yards. The total of all of the dredging areas equals 54,900 cubic yards. Bathymetric surveys, water quality monitoring, and sediment sampling will be completed prior to conducting maintenance dredging to assess the distribution of cyanobacteria seed stocks. These data will inform the final dredging footprint.

Sediment removed during maintenance dredging activities will be placed at the Port of Stockton's Roberts Island disposal site, an area previously utilized for sediment disposal from maintenance dredging of the nearby Stockton Deep Water Ship Channel. The suitability of dredged materials for placement at the Roberts Island site will be confirmed using results from pre-dredge sediment characterization.

The Roberts Island placement site is an approximately 400-acre upland area located on the northern portion of Roberts Island opposite Buckley Cove. It is owned and operated by the Port of Stockton. The site is never filled with more than six (6) feet of dredge slurry. Internal berms and dikes exist within the placement site to contain slurry and allow for sediments to settle. The Port excavates sediment from the Roberts Island dredge placement site for beneficial reuse purposes. The current approximate capacity of the Roberts Island placement is 4 million cubic yards.

Maintenance dredging will be conducted to a depth selected specifically to target and remove sediment containing cyanobacteria seed stocks, legacy organic carbon, and internal nutrient loads and will be contoured to a depth of 1 foot, plus 2 feet of overdredge allowance, for a maximum depth of 3 feet. Dredging will occur within the approximately 11.2-acre dredge boundary. The dredge prism is offset a minimum of 10 feet from the walls with side slough payment at 3H:1V. Some portions of the dredge area may be dredged to depths shallower than 1 foot depending on feasibility. No part of the dredge area will be dredged deeper than 3 feet. The total volume of sediment that will be dredged is estimated to be a maximum of 54,900 cubic yards, including 2 feet of overdredge. Dredging is intended to occur in a single episode, but work may be required to occur over multiple dredge seasons.

A variety of earthmoving equipment such as a mechanical dredge consisting of a crane mounted on a floating deck barge, with a clamshell bucket on the end of the crane boom, a tugboat, scow, spud piles, a hydraulic pump, and an excavator will do most of the earthmoving work within the site. Water trucks, service trucks, and other typical construction vehicles will be present. Access to the site/staging area will be restricted to paved areas, boat launches, and Roberts Island.

Exhibit B shows the project plans.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Giant gartersnake (*Thamnophis gigas*), Southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), Delta smelt (*Hypomesus transpacificus*), Central Valley Spring-run Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), palmate-bracted bird's beak (*Chloropyron palmatum*), Sanford's arrowhead (*Sagittaria sanfordii*), San Joaquin spearscale (*Extriplex joaquinana*), watersheild (*Brasenia schreberi*), big tarplant (*Blepharizonia plumosa*), heartscale (*Atriplex cordulata*), saline clover (*Trifolium hydrophilum*), least Bell's vireo (*Vireo bellii pusillus*), tricolored blackbird (*Agelaius tricolor*), American bumble bee (*Bombus pensylvanicus*), fish species, amphibians, and other aquatic and terrestrial plant and wildlife species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Disruption to wildlife; disturbance of nesting due to increased human activity, noise, and vibrations; direct take of fish and other aquatic species; direct mortality or injury to individual plants and animals caused by project activities; impediment to migration of aquatic and terrestrial species during the project; and direct loss of resources for aquatic organisms; introduction of sedimentation or other pollutants into the watercourse; short-term release of contaminants (e.g., incidental from project activities); loss of natural bed or bank; change in contour of bed, channel or bank; degradation of channel; loss of bank stability during the project; increase of bank erosion during the project; disturbance from project activity; diversion of flow water from, or around, activity site; and dewatering.

The project will cause temporarily impacts to approximately 11.2 acres lake habitat.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make this Agreement, any extensions and amendments to this Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of this Agreement and any extensions and amendments to this Agreement to all

persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in this Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall work with the Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with this Agreement.
- 1.5 No Trespass. To the extent that any provisions of this Agreement provide for activities that require Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.
- 1.6 Notification of Project Modification. Permittee agrees to notify CDFW of any modifications made to the project plans submitted to CDFW.
- 1.7 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the Lake or wildlife, operations shall cease until corrective measures approved by CDFW are taken.
- 1.8 Does Not Authorize "Take." This Agreement does not authorize "take" of any California Endangered Species Act (CESA) listed species. Take is defined in Fish and Game Code section 86, as hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture, or kill. If there is potential for take of any listed species to occur, Permittee shall consult with CDFW and demonstrate compliance with CESA.
- 1.9 Limitations on Authorization of Water Use. This Agreement does not authorize any diversion, use, or storage of water unless already permitted by law. Permittee is responsible for obtaining all necessary water rights and maintaining compliance with the State Water Code and Title 23 California Code of Regulations as appropriate. Permittee shall divert, store, and use water in accordance with a valid water right, including any limitations on when water may be diverted, stored, and used; the purpose for which it may be stored and used; and the location(s) where water may be stored and used. Information regarding water right registrations can be found at https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations. Information about water right permits and applications which is accessible at the following link: https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 Work Period. Project activities covered under this Agreement shall be confined to the period between July 1 and November 30 during the term of this Agreement. *Revegetation, restoration, and erosion control work located outside of flowing water is not confined to this time period.*
- 2.2 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis (or for some other set period of time) by CDFW (see Contact Information). Permittee shall submit a written request for a work period modification to CDFW. The work period modification request shall: 1) describe the extent of work already completed; 2) provide a schedule for activities to be conducted within the requested modification period; 3) detail the time required to complete each activity; and 4) provide photographs of current site conditions. Work period modifications are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. CDFW will have ten (10) business days to review the proposed work period variance. CDFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the modification.
- 2.3 Work Period in Low Rainfall / Dry Weather Only. The work period within McLeod Lake shall be restricted to periods of low rainfall (less than ¼-inch per 24-hour period) or periods of dry weather (with less than a 50% chance of rain). Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be provided upon request by CDFW. All erosion control measures shall be initiated prior to all storm events. *Revegetation, restoration, and erosion control work outside of flowing water is not confined to this work period.*
- 2.4 Vegetation Removal. Disturbance or removal of vegetation shall be kept to the minimum necessary to complete project related activities. No native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a CDFW representative. Where native trees or woody riparian vegetation split into several trunks close to ground level, the DBH shall be measured for each trunk and calculated as one tree. Vegetation that will not be removed by the project shall be marked for protection and may only be trimmed with hand tools to the extent necessary to gain access to the work sites.
- 2.5 Vegetation Removal Methods. Hand tools (e.g., trimmer, chain saw, etc.) shall be used to trim vegetation to the extent necessary to gain access to the work site(s);

larger equipment shall not be used for vegetation removal unless already described in the project description.

Biological Resources

- 2.6 Leave Wildlife Unharmed. Wildlife shall be allowed to leave the project area unharmed.
- 2.7 Special-Status Species Encountered During Work. If Permittee encounters any special-status species during project activities, work shall be suspended, CDFW notified, and conservation measures shall be developed in agreement with CDFW prior to re-initiating the activity. If during project activities, Permittee encounters any species listed pursuant to the CESA, work shall be suspended, and CDFW notified. Work may not re-initiate until the Permittee has consulted with CDFW and can demonstrate compliance with CESA.
- 2.8 Designated Biologist(s) and Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist and Biological Monitor, including a description of the Designated Biologist and Biological Monitor duties at least 30 calendar days prior to initiating project activities. Permittee shall obtain CDFW's written approval of the Designated Biologist prior to the initiation of project activities. Permittee shall notify CDFW in writing if a substitute Designated Biologist is selected or identified at any time during the term of this Agreement. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish, wildlife, and plant resources present at the project site. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Under this Agreement, a Biological Monitor is an individual who is experienced with construction level biological monitoring, who is able to recognize species in the project area, and who is familiar with the habits and behavior of those species.
- 2.8.1 Designated Biologist(s) and Biological Monitor(s) Responsibilities. Permittee shall ensure that a Designated Biologist be present during initial ground-disturbance activities such as for initial vegetation removal and surveys. The Designated Biologist may be replaced by a Biological Monitor once initial activities listed are complete. The Permittee shall ensure the Designated Biologist or Biological Monitor is present weekly in order to monitor compliance with the measures in this Agreement; notify CDFW of non-compliance with any measures; monitor activities subject to this Agreement, including, but not limited to construction and any ground- or vegetation-disturbing activities; the installation of clear water diversions; monitor bird activity including any new and existing active nests; monitor water quality; document project-related monitoring and determinations related to

re-initiation of project activities. The Designated Biologist shall be responsible for the submission of all required reports including survey results to CDFW.

2.8.2 Stop Work Authorization. The Designated Biologist(s) and Biological Monitor(s) shall be authorized to stop project activities, if necessary, to protect fish, wildlife, and plant resources. If directed by the Designated Biologist or Biological Monitor, Permittee shall take appropriate actions to ensure project activities are safely suspended. Designated Biologist and/or Biological Monitor shall notify CDFW of any non-compliance issues related to the stop work authorization. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred as a result of compliance with this measure. This includes stop work orders issued by CDFW.

2.9 Demarcate Work Area Boundary. In consultation with the Designated Biologist, prior to project activities, the Permittee shall demarcate the perimeter of the work area with fencing, flagging, or stakes to conspicuously delineate all environmentally sensitive areas (ESAs) within the project work areas that are to be protected in place and remain undisturbed during construction. Environmentally sensitive areas are defined as wetlands, riparian areas, aquatic areas, raptor nesting locations, potential burrows or dens, etc. The materials used to delineate ESAs and work boundaries will be removed no later than 30 days following completion of construction. Marking shall be in place during all periods of operation. All persons employed or otherwise working on the project sites shall be instructed about the restrictions that the marking represents.

2.10 Pre-Construction Surveys for Giant Garter Snake. Within 48 hours before the commencement of dredge slurry pipeline placement activities, areas within 200 feet of suitable aquatic giant garter snake (GGS) habitat shall be surveyed for GGS by the Designated Biologist. All survey results shall be submitted to CDFW for review. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall be performed and the results sent to CDFW prior to resuming work. If GGS is identified during any of the surveys or during construction activities, the Permittee shall immediately consult with CDFW and demonstrate compliance with CESA.

2.11 Nesting Bird Survey. If project-related activities are scheduled between February 1 to August 31 (the typical nesting season), a focused survey for nests shall be conducted by a Designated Biologist no greater than fifteen (15) calendar days prior to the beginning of project-related activities. The Designated Biologist shall survey a minimum radius of 500-feet for migratory birds and 1/2-mile for raptors around the project area that can be accessed by Permittee. The results of the survey shall be provided to CDFW upon completion. If no active nests are found, project activities may proceed as scheduled.

2.11.1 Active Nests. If an active nest is found, active nests should be avoided, and a no disturbance or destruction buffer shall be determined and established

by a Designated Biologist. The buffer shall be kept in place until after the breeding nesting season or the Designated Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the Designated Biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

2.11.2 Project Delay. If a lapse in project-related work of fourteen (14) calendar days or longer occurs, the Designated Biologist shall complete another focused survey before Project work can be reinitiated.

2.11.3 Permittee Responsibility. It is the Permittee's responsibility to comply with Fish and Game Code Sections 3503, 3503.5, and 3513, regardless of the time of year. This Agreement does not authorize take of birds, their nests, or their eggs.

2.12 Swainson's Hawk Protocol Survey. Starting in 2027 and in each subsequent year in which project activities occur, the Designated Biologist shall conduct a Swainson's hawk survey within a minimum 1/2-mile radius around the project area. Surveys shall be conducted according to the following the five-period schedule in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Tech. Advis. Comm., 5/2000):

January to March 20- One (1) Survey, All Day

March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset

April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset

April 21 to June 10- Monitoring

June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

If Swainson's hawk breeding activity is identified during any of the surveys or during construction activities, the Permittee shall immediately consult with CDFW and demonstrate compliance with CESA.

2.13 Burrowing Owl Take Avoidance Survey. Permittee shall conduct a take avoidance survey for burrowing owl within and adjacent to the project area. Burrowing owl surveys shall be conducted by the Designated Biologist in accordance with the protocol described in the *Staff Report on Burrowing Owl Mitigation – Appendix D* (CDFW, March 7, 2012). The presence of burrows, burrowing owl, or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within

a 1,650-foot accessible radius around the project site (i.e., survey area), shall be recorded and mapped. Survey reports shall be prepared in accordance with the *Staff Report on Burrowing Owl Mitigation* and submitted to CDFW no later than three (3) days prior to the start of project activities. If a lapse in project-related work of seven (7) calendar days or longer occurs, another focused survey and consultation with CDFW shall be required before project work can be reinitiated.

- 2.14 Burrowing Owl Take Avoidance. If an active (i.e., occupied by burrowing owl individuals or family groups) burrow is found, the burrow shall be avoided and no disturbance buffers shall be established by the Designated Biologist. The size of the no disturbance buffer shall be consistent with the *Staff Report on Burrowing Owl Mitigation* shown in Table 1. The no disturbance buffer shall be clearly marked with high-visibility flagging, signage, or other methods determined by the Designated Biologist.

Table 1. Burrowing Owl Avoidance Buffers

Time of Year	Buffer Size (in feet) per Level of Disturbance		
	Low	Medium	High
April 1- Aug 15	650	1650	1650
Aug 15- Oct 15	650	650	1650
Oct 16- Mar 31	165	330	1650

To ensure the buffer is sufficiently sized to avoid take, the Designated Biologist shall conduct a minimum of two days of baseline monitoring of Burrowing Owl behavior prior to the start of project activities and then be onsite to monitor the burrow during the start of project activities. No disturbance buffers shall remain in place until the Designated Biologist determines the burrow is unoccupied by adults or young (occupation includes individuals or family groups using the burrow or foraging on or near the site following fledging). Should project activities cause Burrowing Owls to exhibit territorial or agitated behavior (e.g., flushing, vocalizing, making defensive flights at intruders, etc.) then the no disturbance buffer shall be increased such that activities are far enough from the burrow so that the bird(s) no longer display the agitated behavior. Any reductions or modifications to this buffer shall be approved by CDFW prior to its implementation. The buffer reduction request shall include relevant rationale and may propose new measures to further justify the buffer reduction.

- 2.15 Rare Plant Surveys. If suitable habitat is present, survey(s) for special-status plant species with the potential to be impacted by project activities shall be conducted in accordance with CDFW's "*Guidelines for Assessing the Effects of Proposed*

Projects on Rare, Threatened, and Endangered Plants and Natural Communities (revised May 8, 2000).” If any special-status plant species are present and will be affected by the project, adequate avoidance measures shall be incorporated into the project. If special-status plant species cannot be avoided, suitable species-specific mitigation must be developed in consultation with CDFW, which may include a combination of on-site and off-site plant preservation and compensation measures.

- 2.16 Work during Daylight Only. Permittee shall work during daylight hours only. Permittee shall stop all project activities covered under this Agreement 30 minutes before sunset and shall not resume until 30 minutes after sunrise.

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- 2.17 Lighting. All lighting shall be turned off 30 minutes prior to sunset, unless required for safety or security purposes. All Project lighting left on after sunset shall be angled downwards and focus only on areas of impact to avoid light pollution to natural and sensitive areas outside the Project limits and avoid disruption to nocturnal wildlife behavior.

Water Quality

- 2.18 Water Temperature. Dredging shall only occur during the seasonal work period and when water temperature exceeds 22° Celsius for more than a 24-hour period as measured 6 feet below the water surface elevation. Permittee shall provide confirmation of meeting this requirement prior to any dredging event via email to CDFW.
- 2.19 Water Quality Monitoring. Turbidity, dissolved oxygen (DO), temperature, and pH levels shall be monitored in the vicinity of the dredge activities and at the decant pipe twice daily to ensure that turbidity caused by dredging and decanting does not harm biological resources. All water quality monitoring shall occur within 300 feet of the designated dredging work areas, A, B, and C within McLeod Lake. Water quality monitoring measurements shall be taken at both one-third and two-thirds of the total water depth. Prior to the start of dredging activities each day, the Permittee shall establish daily baseline turbidity levels in the Project Area. All water sample results shall be maintained in a log onsite and shall be available for immediate inspection. If water quality parameters in Measure 2.20 (Dredging Water Quality Parameters) are exceeded, the monitoring equipment shall be inspected and a second measurement shall be taken to confirm the exceedance. If the second measurement confirms water quality objective exceedance, the dredge operator shall implement best management practices, such as slowing the rate of dredge equipment. Additional water quality measurements shall be conducted one (1) hour after the best management practices are implemented. If exceedances persist, dredging operations shall cease until turbidity, DO, temperature, and pH levels comply with the water quality parameters. The Permittee shall notify the Central Valley Regional Water Quality Control Board to provide an explanation of the exceedances.

2.20 Dredging Water Quality Parameters. Dredging activities shall not exceed any of the following parameters:

2.20.1 Concentrations of DO shall not fall below 5.0 mg/L. The Port shall operate its aerators to increase DO levels during dredging operations, if necessary.

2.20.2 Ambient pH shall not fall below 6.5, shall not exceed 8.5, or the 30-day average change of more than 0.5 pH unit.

2.20.3 Ambient water temperature shall not increase more than 5° F at any given time.

2.20.4 Changes in surface water turbidity shall remain within the following water quality criteria:

2.20.4.1 If undisturbed turbidity is between 0 and 5 nephelometric turbidity units (NTU), increases will not exceed 1.0 NTU;

2.20.4.2 If undisturbed turbidity is between 5 and 50 NTU, increases shall not exceed 20% of the original value;

2.20.4.3 If undisturbed turbidity is between 50 and 100 NTU; increases shall not exceed 10 NTU;

2.20.4.4 If undisturbed turbidity is greater than 100 NTU, increases shall not exceed 10% of the original value.

2.21 Water Quality. If CDFW determines that turbidity/siltation levels resulting from the project-related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective CDFW-approved control devices are installed, or abatement procedures are initiated.

2.22 Dredged Material Placement Site Water Quality Monitoring. The dredged material placement sites shall be monitored when standing water of six (6) inches or more is present within the cells. Samples shall be collected at a depth of one (1) foot (or mid-depth when the water level is less than one (1) foot) from each pond in use, opposite the inlet. DO samples shall be collected between 7:00 AM and 9:00 AM. Freeboard levels shall be monitored daily. DO, pH, and electrical conductivity shall be monitored weekly as follows:

2.22.1 Two (2) feet of freeboard shall be maintained at all times to prevent overtopping.

2.22.2 Ponded water shall maintain a pH range between 6.5 and 8.5.

2.22.3 DO levels shall maintain a pH range between 6.5 and 8.5.

2.22.4 DO levels shall be at least 1 mg/L. An aerator shall be used to increase DO, if necessary.

2.22.5 Conductivity levels shall not exceed 700 micro-Siemens/centimeter ($\mu\text{S}/\text{cm}$) from July through August and shall not exceed 1,000 $\mu\text{S}/\text{cm}$ from September through November.

2.23 Decanted Receiving Water Monitoring. When water is decanted from the dredged material placement sites to the San Joaquin River, the receiving water shall be monitored for turbidity, DO, pH, and temperature at least twice daily. Decanted water monitoring shall occur within 300 feet upstream and downstream of the decant pipe location at two-thirds of the total water depth. The water quality parameters shall be the same as Measure 2.20 (Dredging Water Quality Parameters). If water quality parameters are exceeded, the monitoring equipment shall be inspected, and a second measurement shall be taken to confirm the exceedance. If the second measurement confirms water quality objective exceedance, the Port shall reduce flows discharging into the receiving waters (e.g., partially or fully closing weirs between more turbid cells to allow sediment to settle out). Additional water quality measurements shall be conducted one (1) hour after the best management practices are implemented. If exceedances persist, decant water discharge shall cease until the turbidity, DO, temperature, and pH levels comply with the water quality parameters. The Permittee shall notify the Central Valley Regional Water Quality Control Board to provide an explanation of the exceedances.

Dredged Material Placement

2.24 Dredged Sediment Placement Preconstruction Surveys. Five (5) days prior to commencement of Project-related activities the dredged sediment placement area of disposal shall be surveyed for any special-status plant or animal species, as identified in the measures of this Agreement, by the Designated Biologist. Surveys shall focus on the dredged material placement areas and a 300-foot buffer surrounding each placement area. The dredged material placement shall be approved by the Designated Biologist prior to disposal of dredged sediment. If any special-status plant or animal species are present, dredged material placement shall not occur in that location. Dredged material placement sites shall not be located where dredged sediment will likely be washed back into the water or where it will cover aquatic or riparian vegetation.

Invasive Species

2.25 Invasive Species. Permittee shall conduct project activities in a manner that prevents the introduction, transfer, and spread of aquatic, riparian, and terrestrial invasive species such as New Zealand mud snail (*Potamopyrgus antipodarum*), zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena rostriformis*), golden mussel (*Limnoperna fortunei*), Asian clam (*Corbicula fluminea*), Eurasian

watermilfoil (*Myriophyllum spicatum*), or curly-leaf pondweed (*Potamogeton crispus*) from one work site and/or water body to another. Prior to entering the project area, Permittee shall inspect equipment for invasive species and, if any signs of invasive species are found, the equipment shall be cleaned to remove those species in accordance with CDFW's 2022 Aquatic Invasive Species Decontamination Protocol, which is accessible at the following link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=43333>. All visible soil/mud debris, plant materials, and animal remnants on equipment shall be removed prior to entering and exiting the work site, within each work site, and/or each use in different watercourses. Permittee shall notify CDFW immediately if an invasive species not previously known to occur within the work site is discovered during work activities by contacting CDFW's Invasive Species Program by email at Invasives@wildlife.ca.gov or by phone at (866) 440-9530. Permittee shall immediately notify the North Central Region's Aquatic Invasive Species Coordinator by email at R2LSA@wildlife.ca.gov for any new aquatic invasive species detections (i.e., quagga and zebra mussel, golden mussel, Asian clam, New Zealand mud snail, didymo, milfoil, and Hydrilla) that are observed within the project area.

- 2.26 Decontamination Sites. Permittee shall perform decontamination of vehicles (including tires and mud flaps), watercraft, trailers, large machinery, barges, flexi-floats, containers, and other project gear and equipment in a designated location where runoff can be contained and not allowed to pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat.
- 2.27 Decontamination of Project Equipment. Permittee shall decontaminate all tools, waders and boots, and other equipment that will enter the water prior to entering and exiting the project site to avoid the introduction and transfer of organisms. Permittee shall decontaminate project gear and equipment that will enter the water by utilizing one of three methods in accordance with CDFW's 2022 Aquatic Invasive Species Decontamination Protocol: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing personal equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, Permittee shall allow larger equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, for a minimum of 48 hours. To decontaminate using a hot water soak, Permittee shall immerse equipment in 140 degrees Fahrenheit or hotter water and soak for a minimum of 5 minutes. To decontaminate by freezing, Permittee shall place equipment in a freezer 32 degrees Fahrenheit or colder for a minimum of eight (8) hours. Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different waterbody, and returned to the project site.

- 2.28 Lake Materials. Rock, gravel, and/or other materials shall not be imported to, taken from or moved between watercourses except as otherwise addressed in this Agreement.

Revegetation and Restoration

- 2.29 Seeding. Permittee shall restore all exposed/disturbed areas and access points within the project area, by seeding with a native seed mix of known genetic origin whose original stock seed was collected from the Great Central Valley, unless otherwise agreed upon with CDFW. Revegetation shall be completed in the fall before the start of the rainy season and as soon as possible after project activities. Seeded areas shall be covered with broadcast straw, mulch, and/or erosion control blankets.
- 2.30 Native Plant Materials. Revegetation shall include only local plant materials native to the project area, unless otherwise approved by CDFW in writing.
- 2.31 Prohibited Plant Species. Permittee shall not plant, seed or otherwise introduce invasive non-native plant species. Prohibited invasive non-native plant species include those identified in the California Invasive Plant Council's database, which is accessible at: <http://www.cal-ipc.org>.

Erosion Control/Stabilization

- 2.32 Erosion Control. Permittee shall actively implement best management practices (BMPs) to minimize turbidity and siltation and prevent erosion and the discharge of sediment where it may pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat during project activities. Precautions shall include, but are not limited to: pre-project planning to identify site specific turbidity and siltation minimization measures; best management erosion control practices during project activity; and settling, filtering, or otherwise treating silty and turbid water prior to discharge into a stream or storm drain. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches.
- 2.32.1 Monitoring. BMPs shall be monitored daily and repaired if necessary to ensure maximum erosion and sediment control.
- 2.32.2 Materials. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of non-native plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Products with plastic monofilament or cross joints in the netting that are bound/stitched (such as found in straw wattles/fiber rolls and some erosion control blankets), which

may cause entrapment of wildlife, shall not be allowed. Permittee shall remove and dispose of all temporary BMPs and any related material upon completion of project activities.

2.32.3 Implementation. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. Upon CDFW's determination that turbidity/siltation levels resulting from project-related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective CDFW-approved control devices are installed or abatement procedures are initiated.

2.33 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use temporary or permanent erosion control devices containing plastic netting, including photo- or bio-degradable plastic netting. These items are commonly found in straw wattles (fiber rolls) and erosion control blankets.

2.34 Post Storm Event Inspection. After any storm event, Permittee shall inspect all sites scheduled to begin or continue construction within the next 72 hours. Corrective action for erosion and sedimentation shall be taken as needed. National Weather Service 72-hour weather forecasts shall be reviewed prior to the start of any phase of the project that may result in sediment runoff to the lake, and construction plans adjusted to meet this requirement. The National Weather Service forecast can be found at: <http://www.nws.noaa.gov>.

Avoid/Minimize Effects of Equipment

2.35 Heavy Equipment Maintenance and Fueling. Any equipment or vehicles driven and/or operated shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat. If maintenance or fueling of vehicles or equipment must occur on-site, Permittee shall use a designated area and/or a secondary containment, located away from watercourses to prevent the runoff of storm water and the runoff of spills. Permittee shall place drip pans or absorbent materials under vehicles and equipment when not in use. Equipment shall be stored in areas that any possible contamination from the equipment, petroleum products, or other pollutants would not pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat.

2.36 Minimize Vehicle Parking. Vehicles may enter and exit the work area as necessary for project activities, but shall not be parked overnight within ten (10) feet of the drip line of any trees; nor shall vehicles be parked where mechanical fluid leaks

may potentially pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat.

- 2.37 Staging and Storage Areas. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located where it may not pass into the waters of the state, the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat.
- 2.38 Material Storage. Project material and/or project equipment shall not be placed where materials could pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat, or where they may cover aquatic or riparian vegetation.
- 2.39 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders shall be positioned over drip pans and secondary containment, as necessary. Stationary equipment shall have suitable containment to handle any spill/leak. Equipment shall be stored in areas that any possible contamination from the equipment would not pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat.
- 2.40 Work Site Access. Access to the project site shall be via existing roads, access ramps, and by barge.
- 2.41 Vehicle Speed Limit. No vehicle conducting project activities, including within staging areas, may drive over 15 miles per hour. Vehicles include but are not limited to tractors, personnel vehicles, pick-up trucks, and dump trucks.
- 2.42 Equipment Maintenance, Storage, and Access Routes. The number of access routes and the number and size of staging areas shall be limited to the minimum necessary. Staging areas and access routes shall be identified in advance of dredging and equipment shall be stored, refueled, and otherwise maintained in the construction staging areas.

Debris Materials and Waste

- 2.43 Remove Structures. Project-related structures and associated materials not designed to withstand high water flows or placed in seasonally dry portions of a stream or lake that could be washed downstream or could be deleterious to aquatic life, wildlife, or riparian habitat shall be moved to areas outside the floodplain before such flows occur.
- 2.44 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or project debris on the project site.

- 2.45 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project area and vicinity immediately upon completion of project activities.
- 2.46 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter sensitive areas, or placed in locations where it may pass into waters of the state (Fish & G. Code § 89.1), the stream bed, bank, channel (including but not limited to dry, ponded, flowing, or wetland areas), drainages, lakes, or other sensitive habitat.
- 2.47 Removal of Debris, Materials and Rubbish. Permittee shall remove all project generated debris, building materials and rubbish from the project area following completion of project activities.
- 2.48 Spill of Materials Deleterious to Fish and Wildlife. In the event of a hazardous materials spill into a lake, Permittee shall immediately notify the following contacts: California Office of Emergency Services at 1-800-852-7550 and CDFW at (916) 358-1163.
- Permittee shall take all reasonable measures to document the extent of the impact and affected areas including photographic documentation of affected areas, injured fish, and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within ten (10) days of the reported spill in order to develop a resolution including site clean-up and site remediation for the harm caused to fish and wildlife and the habitats on which they depend as a result of the spill.
- 2.49 Emergency Spill Response Plan. An emergency spill response plan shall be prepared and submitted to CDFW prior to the start of project work. The plan shall be limited to three (3) pages in length and may be presented in prose, table, or bulleted list format. The plan shall identify the actions which would be taken in the event of a spill of concrete, petroleum products, sediment, or other material harmful to fish, wildlife, plant resources, or other habitats thereof. The plan shall also identify the rapid containment and clean-up of any spilled material. The emergency response plan shall be kept onsite during work activities.
- 2.50 Spill Containment and Spill Kits. All activities performed in or near the lakebed shall have absorbent materials designated for hazardous materials spill containment and cleanup activities onsite for use in an accidental spill. Permittee shall immediately initiate the cleanup activities in the event of a hazardous materials spill. Prior to entering the work site, all field personnel shall know the location of spill kits and be trained in their appropriate use.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 **Notification of Project Initiation.** The Permittee shall notify CDFW two (2) business days prior to beginning work for each construction season. Notification shall be submitted as instructed in Contact Information section below. Email submittal is preferred.
- 3.2 **Notification of Project Completion.** Upon completion of the project activities described in this Agreement, the project activities shall be photographed. Photographs shall be submitted to CDFW within fifteen (15) business days of project completion. Photographs and project completion notification shall be submitted as instructed in Contact Information section below. Email submittal is preferred.
- 3.3 **Notification to the California Natural Diversity Database.** If any special-status species are observed during project implementation, the Permittee shall submit the California Natural Diversity Data Base (CNDDB) Online Field Survey Form electronically at <https://www.wildlife.ca.gov/data/CNDDB/submitting-data> within five (5) business days of the sightings, and provide a copy of the form, survey map and/or report to CDFW's Regional office as instructed in Contact Information section below.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Jason Cashman
2201 West Washington Street
Stockton, CA 95203
Phone: (209) 946-0246
Email: jcashman@stocktonport.com

Contact:

Whitney Thorpe
Email: whitney@robertson-bryan.com

To CDFW:

California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
Attn: Lake and Streambed Alteration Program
EPIMS Notification No. SJN-64841-R2

Phone: (916) 358-1163
Email: R2LSA@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of this Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that this Agreement authorizes.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with this Agreement.

Before CDFW suspends or revokes this Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes this Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in this Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking this Agreement.

Nothing in this Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, from obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game

Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in this Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend this Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend this Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of this Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of this Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of this Agreement, provided the request is made prior to the expiration of this Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend this Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project this Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

This Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable Fish and Game Code section 711.4 filing fee listed at <https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees>

TERM

This Agreement shall **expire five (5) years** from the date signed by CDFW. All provisions in this Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after this Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to this Agreement and incorporated herein by reference.

Exhibit A. Project Location
Exhibit B. Project Plans

AUTHORITY

If the person signing this Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project this Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

CONCURRENCE

Through the electronic signature by Permittee or Permittee's representative as evidenced by the attached concurrence from CDFW's Environmental Permit Information Management System (EPIMS), Permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.

Exhibit A: Project Location



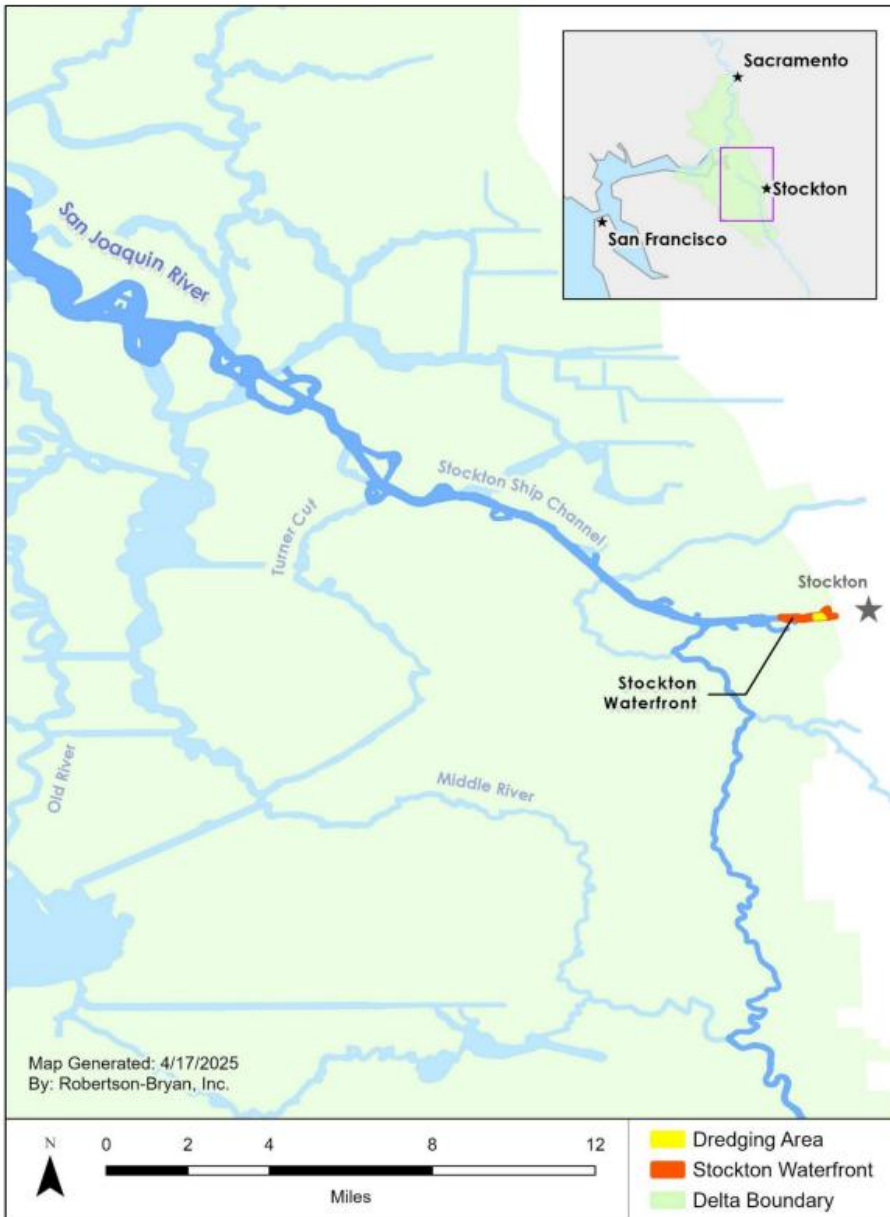
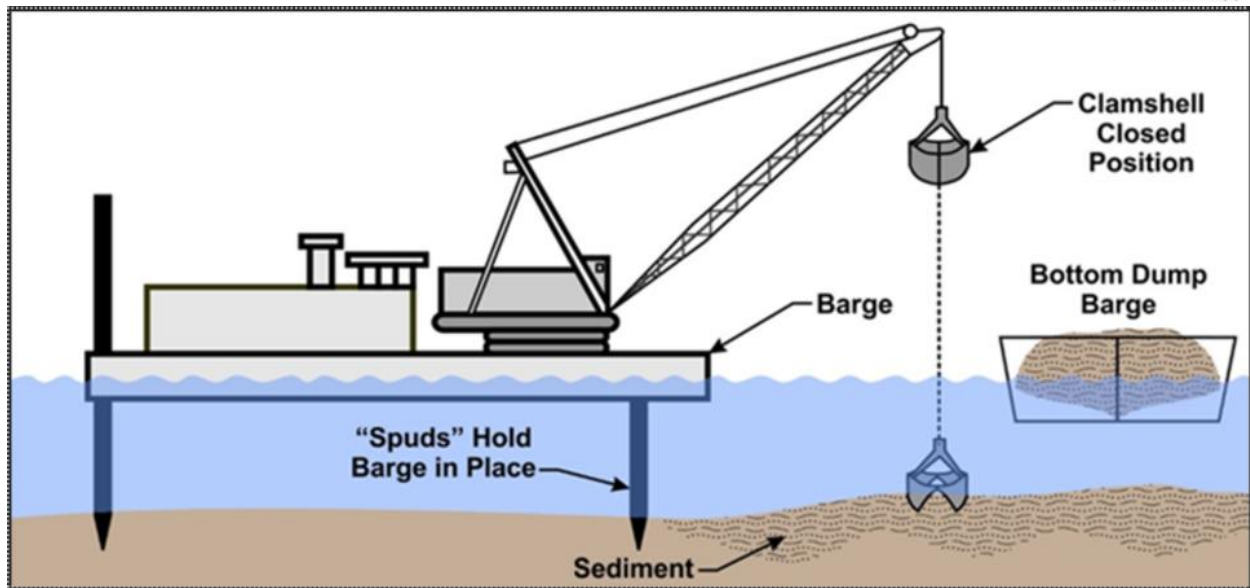


Exhibit B: Project Plans





Figure 3
 Placement Area and Proposed Background Sampling Locations
 Pre-Dredge Sampling and Analysis Plan
 Part of Stockton Gyrodactylus Seed Stock Dredging





Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	24 April 2026	Reg. Meas. ID:	463836
Expiration Date:	23 April 2031	Place ID:	904798
Program Type:	Dredging	WDID No.:	5B39CR00439
		USACE No.:	SPK-2026-00042
		Letter of Permission	
Project Type:	Ecological Aquatic/Stream/Habitat Restoration		
Project:	Port of Stockton Cyanobacteria Harmful Algal Bloom (CHAB) Maintenance Dredging Project (Project)		
Applicant:	Port of Stockton		
Applicant Contact:	Jason Cashman Port of Stockton P.O. Box 2089 Stockton, CA 95203 Phone: (209) 946-0246 Email: JCashman@stocktonport.com		
Applicant's Agent:	Whitney Thorpe Robertson-Bryan, Inc. 3100 Zinfandel Drive, Suite 300 Rancho Cordova, CA 95670 Phone: (209) 404-6341 Email: Whitney@robertson-bryan.com		
Water Board Staff:	Jenna Yang Water Resource Control Engineer 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4764 Email: Jenna.Yang@waterboards.ca.gov		

Water Board Contact Person: If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Port of Stockton (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 8 January 2026. The application was deemed complete on 11 February 2026.

II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 30 January 2026 to 6 February 2026. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to reduce cyanobacteria harmful algal bloom intensity along the Stockton Waterfront in McLeod Lake by dredging and removing overwintering cyanobacteria in sediment before they are able to recruit to the water column.

IV. Project Description

The 11.2-acre Project includes maintenance dredging conducted to a depth of one foot mean lower low water plus two feet of overdredge, selected specifically to target and remove sediment containing cyanobacteria seed stocks, legacy organic carbon, and internal nutrient loads. Dredging operations are scheduled to occur during the in-water work window of 1 July through 30 November, and when most planktonic cyanobacteria will have settled from the water column into the sediment. Dredging is anticipated to occur in a single episode, though work may be conducted over multiple dredging seasons depending on contractor availability.

Sediment removed during maintenance dredging activities will be placed at the Port of Stockton's Roberts Island disposal site, an area previously utilized for sediment disposal from maintenance dredging. If the Roberts Island dredge material placement site (DMPS) is unavailable, or if dredged material is determined to be unsuitable for placement at that site, alternative placement options will be evaluated.

V. Project Location

Address: Not Applicable

County: San Joaquin

Assessor's Parcel Number(s): 13701006, 13701007, 13701008

Nearest City: Stockton

Township 1 North, Range 6 East, MDB&M.

Latitude: 37.953889° and Longitude: -121.295833°

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the 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/). 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 Order 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.

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

VII. Description of Direct Impacts to Waters of the State

Sediment within the Project footprint of McLeod Lake will be removed using mechanical dredging methods. Mechanical dredging involves a crane mounted on a floating deck barge equipped with a clamshell bucket. The clamshell bucket excavates sediment within the dredge area and deposits it into an adjacent scow or barge for transport to the placement site. Tugboats will be used to position and move dredging equipment. Once in position, the dredge barge will be anchored using two to four spud piles. Anchor wires may be used for positioning in some cases; however, because they could pose navigational obstructions within dock areas, their use is not anticipated. Filled scows will be transported by tug to the placement site and offloaded. For upland placement, dredged sediment is typically offloaded using a hydraulic pump to convey material from the scow to the placement area. Alternatively, an excavator operating within or adjacent to the placement site may be used to offload sediment, though this method is less efficient.

Total Project dredge quantities for all impacts are summarized in Table 1.

Table 1: Total Project Dredge Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake	11.2	55,000	

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The Project would temporarily increase turbidity levels in the immediate construction area during construction. Localized increases in turbidity would be expected near the bottom of the channel at the interface between sediment and the dredge bucket. With implementation of the avoidance and minimization measures, turbidity levels are not expected to notably increase throughout the water column as the dredge bucket moves from the sediment to the surface. Minor and localized turbidity increases may be experienced near the bottom of the channel in the immediate vicinity of the dredge. These increases are expected to rapidly dissipate with horizontal and vertical distance from the dredge.

IX. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

1. The contractor will be responsible for preparing and submitting a spill prevention and response plan that identifies the location of sorbents or booms on site, as well as emergency response contact information.
2. Dredging and sediment placement will be conducted in accordance with all state and federal permits.
3. Dredging activities will be conducted between 1 July and 30 November.
4. All dredged sediment will be handled and transported such that it does not re-enter surface waters outside of the protected immediate work area.
5. Dredging will be limited to the approved project depth (-1 foot) plus 2 feet of overdredge.

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

6. Mechanical dredging measures include the following:
 - a. Multiple horizontal dredge cuts will be taken where a thick horizontal volume needs to be dredged to avoid overfilling the bucket and causing spillage.
 - b. The load line on disposal barges will be predetermined, and the barge will not be filled above this predetermined level.
 - c. The cycle time will be increased as needed to reduce the velocity of the ascending loaded bucket through the water column, which reduces potential to wash sediment from the bucket.
7. Floating debris will be removed from the water and disposed of properly.
8. Water Quality Objectives for the San Joaquin River have been established in the Central Valley Water Board Basin Plan. Dredging activities may not unreasonably affect beneficial uses of a water body or result in water quality less than prescribed in the Basin Plan. Therefore, during dredging, placement, and placement site decanting, water quality will be monitored to ensure that the requirements of the General Order and Basin Plan are met.
9. During dredging, surface receiving water quality monitoring will be conducted at mid-depth 300 feet upstream and downstream of the dredging area in accordance with the monitoring parameters. Because the waters surrounding the dredging area are tidally influenced, the downstream and upstream locations will vary and should be assessed for each monitoring event.

If monitoring data show that dredging or effluent from decanting operations are affecting turbidity, dissolved oxygen (DO), temperature, or pH levels in excess of the limits, the monitoring equipment would be inspected, and a second measurement would be taken to confirm the exceedance. If the second measurement confirms an exceedance has occurred, then the Port would enact the following:

- a. Implement controls in dredging operations to reduce sediment resuspension.
- b. Implement controls in decanting operations to reduce flows discharging into the receiving water.
- c. Conduct additional water quality measurements 1 hour after the additional controls are implemented.
- d. If there is no longer an exceedance, regular monitoring would resume.
- e. If exceedances persist, the Permittee would notify the Central Valley

Water Board and operations would cease until the turbidity, DO, temperature, and pH levels are compliant with requirements. Once water quality returns to acceptable levels, dredging and decanting operations and water quality monitoring would reconvene, and each of the steps outlined in this list would be repeated.

X. Compensatory Mitigation

No compensatory mitigation was required for permanent impacts because all impacts are temporary in nature. No permanent impacts to water quality or resources will occur as a result of Project activities.

XI. California Environmental Quality Act (CEQA)

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section(s) 15304 – Minor Alterations to Land. Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

XII. Petitions for Reconsideration

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

XIII. Fees Received

A. An application fee of \$4,212.00 was received on 20 January 2026. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category B - Dredging Discharges (fee code 86) with the dredge and fill fee calculator.

B. 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 the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year.

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 are met and may conduct a site visit to confirm compliance.

For more information on fees, visit [the State Water Board's Water Quality Fees website](https://www.waterboards.ca.gov/resources/fees/water_quality/) (https://www.waterboards.ca.gov/resources/fees/water_quality/), under Water Quality Certification (WQC) Program Fees.

XIV. Conditions

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

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

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

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

In the subject line of the email, include the Central Valley Water Board Contact, Project Name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. Project Reporting

a. Monthly Reporting – Not Applicable

- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of May beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Stormwater Discharges Associated with Construction

and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).

- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials²

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 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:

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

- first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
 - Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards

The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

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

c. In-Water Work and Diversions

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

d. Modifications to Project

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

compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership

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

- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

1. General

If surface water is present continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

- a. when performing any in-water work;
- b. during the entire duration of temporary surface water diversions;
- c. in the event that the Project activities result in any materials reaching surface waters; or

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

2. Accidental Discharges/Noncompliance

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

3. In-Water Work or Diversions

The Permittee is a fee-paying participant in the Delta Regional Monitoring Program (RMP). Per Resolution R5-2021-0054, dischargers may participate in the Delta RMP in lieu of individual monitoring requirements. As a result, water quality monitoring shall be in conformance with the Permit Application Supplement (monitoring plan) dated December 2025.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies,

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

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. Construction General Permit Requirement

The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges

Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

8. Delta Regional Monitoring Program (RMP)

Delta waterways are listed Clean Water Act (CWA) Section 303(d) waterbodies as impaired for chlordane, DDT, diazinon, dieldrin, mercury, polychlorinated biphenyls, and unknown toxicity. The Delta RMP was created to coordinate the Delta-wide monitoring, reporting, and assessment of water quality necessary for understanding delta water quality conditions and trends. The current Delta RMP Monitoring Design places a focus on monitoring for constituents that are causing significant impairment in the Delta and include pesticides and toxicity, nutrients, and mercury. Monitoring is occurring now at various locations throughout the Delta. Data used from these monitoring studies will be used by the Central Valley Water Board to inform its existing control programs such as the Delta Mercury Control Program, and to inform the development of future control programs.

Permitted actions through this Order include dredging operations to remove cyanobacteria in the sediment of the Stockton waterfront. Further, these actions may have other impacts to other constituents that are impairing Delta waters. Because the permitted actions may impact Delta quality in both water, aquatic life, and other wildlife, the Permittee shall continue to adequately participate in the Delta RMP.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized

representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

- a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
 5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

6. Lake or Streambed Alteration Agreement

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

G. Construction

1. Dewatering – Not Applicable

2. Directional Drilling – Not Applicable

3. Dredging

- a. Dredging operations and placement of dredged material to land is covered under Waste Discharge Requirements Maintenance Dredging Operations, Order R5-2022-0052, or General Waste Discharge Requirements for Maintenance Dredging Operations, Order R5-2009-0085. The Permittee shall first seek coverage under Order R5-2022-0052 for the Project. If the Permittee is not eligible or enrollment under Order R5-2002-0052, the Permittee shall seek coverage under Order R5-2009-0085.

- b. In-water dredging operations will be conducted between July 1 and November 30 or as required by the California Department of Fish and Wildlife.

4. Fugitive Dust

Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. 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 Central Valley Water Board staff.

5. Good Site Management “Housekeeping”

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. Hazardous Materials

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and

shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

- b. No wet concrete will be placed into aquatic resources habitat.

7. Invasive Species and Soil Borne Pathogens

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

- a. 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 project goal. Routes and work area boundaries must be clearly demarcated.
- b. 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.
- c. 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.
- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, 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 discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.
- e. 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 stream crossing structure.

10. Sediment Control

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. Special Status Species

The following Special Status Species have been documented to occur near or within the Project area: Green sturgeon (southern distinct population segment (DPS)), Delta smelt, and Chinook salmon (central valley spring-run evolutionary significant unit (ESU)), Steelhead (central valley DPS), Longfin smelt, and Giant garter snake.

12. Stabilization/Erosion Control

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

13. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Site Specific – Not Applicable**I. Total Maximum Daily Load (TMDL)**

The Sacramento-San Joaquin Delta Methylmercury Total Maximum Daily Loads (TMDL) is an action plan to restore clean water that has been contaminated by mercury and has experienced or has the potential to produce methylmercury within waters of the state. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal

areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine specific water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. A copy of the Sacramento-San Joaquin Delta Methylmercury TMDL is located on the Central Valley Water Board website at: [Sacramento-San Joaquin Delta Methylmercury TMDL - TMDL Projects | Central Valley Regional Water Quality Control Board \(ca.gov\)](https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/) (https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/).

J. Mitigation for Temporary Impacts – Not Applicable

K. Compensatory Mitigation for Permanent Impacts – Not Applicable

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions such that the Project no longer qualifies for a categorical exemption. In this case a supplemental environmental review and different Order will be required.

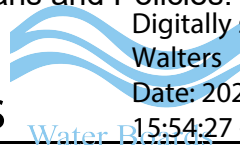
XV. Water Quality Certification

I hereby issue the Order for the Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project, WDID # 5B39CR00439, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Anne
Walters



Digitally signed by Anne

Walters

Date: 2026.04.24

15:54:27 -07'00'

For Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

- Attachment A:** Project Maps
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment G:** Compliance with Code of Federal Regulations

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Attachment A – Project Maps

Figure 1: Project Location Map

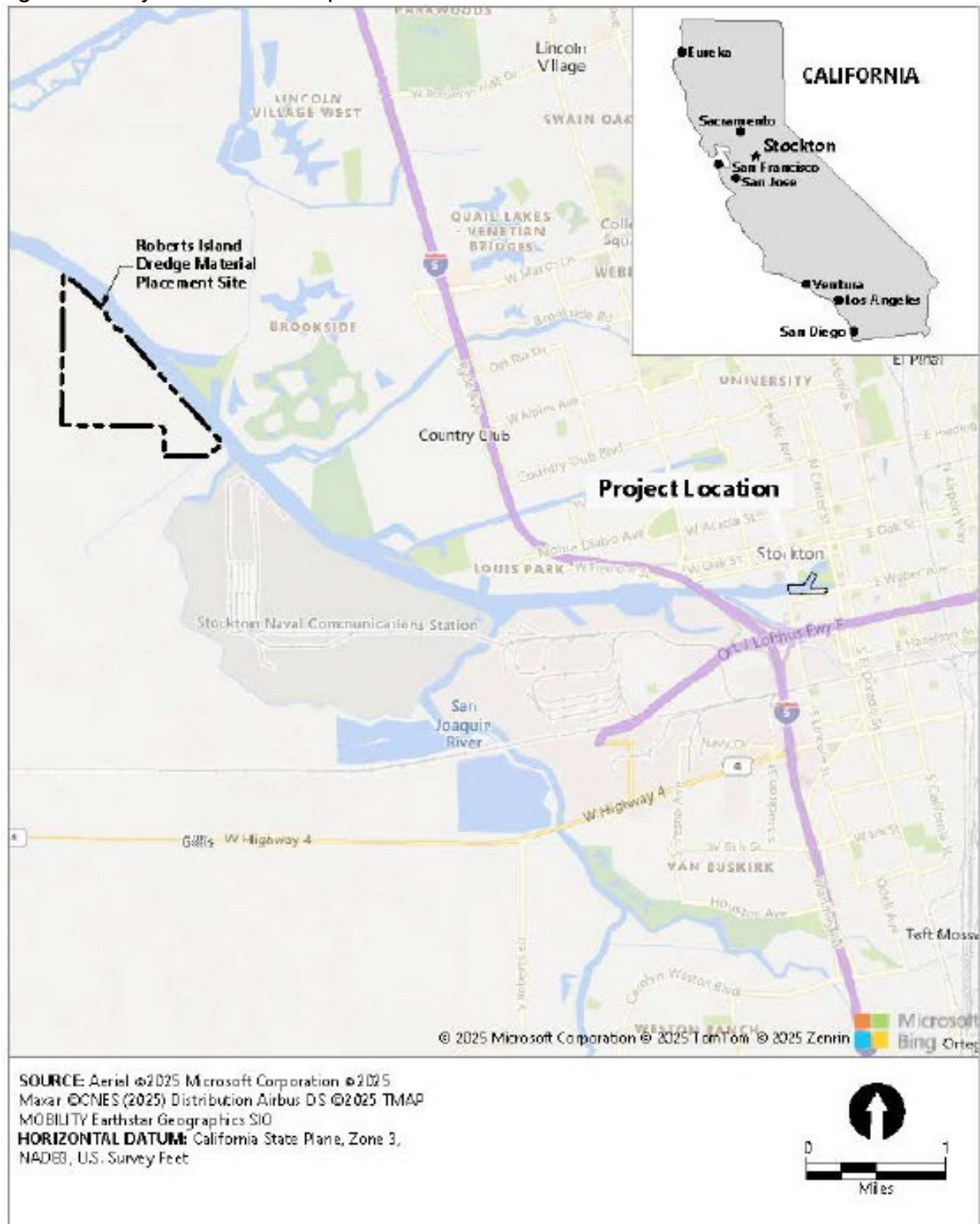


Figure 2: Impacts Map



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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Temporary Impact Dredging Areas	McLeod Lake	Lake	544.00	Delta Waterways (Stockton Ship channel)/San Joaquin River	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlorpyrifos, DDT, Diazinon, Dioxin, Furan Compounds, Group A Pesticides, Invasive Species, mercury, Organic Enrichment/Low Dissolved Oxygen, PCBs, Temperature, Toxicity	

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Dredge Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Temporary Impact Dredging Areas	37.953889	-121.295833	No	11.2	55,000	

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Attachment C – CEQA Findings of Fact

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section(s) 15304 – Minor Alterations to Land. Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

- A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)
(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)
- B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
- **Part A (Annual Reports):** This report will be submitted monthly until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Jenna.Yang@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Jenna Yang; Project Name; and WDID No. 5B39CR00439.

III. Definition of Reporting Terms

A. Active Discharge Period:

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

B. Request for Notice of Completion of Discharges Letter:

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

C. Request for Notice of Project Complete Letter:

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

D. Post-Discharge Monitoring Period:

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

E. Effective Date:

24 April 2026

IV. Map/Photo Documentation Information

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

A. Map Format Information:

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project

areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. Photo-Documentation:

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

V. Report and Notification Cover Sheet

Project: Port of Stockton CHAB Maintenance Dredging Project
Permittee: Port of Stockton
WDID: 5B39CR00439
Reg. Meas. ID: 463836
Place ID: 904798
Order Effective Date: 24 April 2026
Order Expiration Date: 23 April 2031

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report – Not Applicable
Report Type 2 ☐ Annual Report

B. Part B – Project Status Notifications

Report Type 3 ☐ Commencement of Construction
Report Type 4 ☐ Request for Notice of Completion of Discharges Letter
Report Type 5 ☐ Request for Notice of Project Complete Letter

C. Part C – Conditional Notifications and Reports

Report Type 6 ☐ Accidental Discharge of Hazardous Material Report
Report Type 7 ☐ Violation of Compliance with Water Quality Standards Report
Report Type 8 ☐ In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9 ☐ Modifications to Project Report
Report Type 10 ☐ Transfer of Property Ownership Report
Report Type 11 ☐ Transfer of Long-Term BMP Maintenance Report

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

Print Name¹

Affiliation and Job Title

Signature

Date

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

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

Permittee's Signature

Date

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report – Not Applicable

2. Report Type 2 - Annual Report

- a. Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. When to Submit** - Annual reports shall be submitted each year on the 1st day of May beginning one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

During the Active Discharge Period

- **Topic 1: Construction Summary**
- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

During the Post-Discharge Monitoring Period

- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

i. Annual Report Topic 1 - Construction Summary

When to Submit - With the annual report during the Active Discharge Period.

Report Contents - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.

1) Map showing general Project progress.

2) If applicable:

- a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).
- b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

ii. Annual Report Topic 2 - Mitigation for Temporary Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents -

- 1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
- 2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
- iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents - *If not applicable report N/A.

1) Part A. Permittee Responsible

- a) Planned date of initiation of compensatory mitigation site installation.
- b) If installation is in progress, a map of what has been completed to date.
- c) If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

2) Part B. Mitigation Bank or In-Lieu Fee

- a) Status or proof of purchase of credit types and quantities.
- b) Include the name of bank/ILF Program and contact information.
- c) If ILF, location of project and type if known.

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

- a. **Report Purpose** - Notify Central Valley Water Board staff prior to the start of construction.
- b. **When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
- c. **Report Contents** -
 - i. Date of commencement of construction.
 - ii. Anticipated date when discharges to waters of the state will occur.

- iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
- iv. Construction Storm Water General Permit WDID No.
- v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

2. Report Type 4 - Request for Notice of Completion of Discharges Letter

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

3. Report Type 5 - Request for Notice of Project Complete Letter

- a. Report Purpose** - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
- c. Report Contents** -
 - i. Part A: Mitigation for Temporary Impacts
 - 1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
 - 2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary

impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

- ii. Part B: Permittee Responsible Compensatory Mitigation
 - 1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
 - 2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.
 - 3) Pre- and post-photo documentation of all compensatory mitigation sites.
 - 4) Final maps of all compensatory mitigation areas (including buffers).
- iii. Part C: Post-Construction Storm Water BMPs
 - 1) Date of storm water Notice of Termination(s), if applicable.
 - 2) Report status and functionality of all post-construction BMPs.
 - 3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. Part C – Conditional Notifications and Reports

1. Report Type 6 - Accidental Discharge of Hazardous Material Report

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

2. Report Type 7 - Violation of Compliance with Water Quality Standards Report

- a. **Report Purpose** - Notifies Central Valley Water Board staff that a

violation of compliance with water quality standards has occurred.

- b. When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
- c. Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

3. Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
- b. When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
- c. Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

4. Report Type 9 - Modifications to Project Report

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

5. Report Type 10 - Transfer of Property Ownership Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.

b. When to Submit - At least 10 working days prior to the transfer of ownership.

c. Report Contents -

- i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
 - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
 - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
- ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report

a. Report Purpose - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

b. When to Submit - At least 10 working days prior to the transfer of BMP maintenance responsibility.

c. Report Contents - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

All documents submitted in compliance with this Order shall meet the following signatory requirements:

- A.** All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
 - 1.** For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - 2.** For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - 3.** For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
- B.** A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - 1.** The authorization is made in writing by a person described in items 1.a through 1.c above.
 - 2.** The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - 3.** The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
- C.** Any person signing a document under this section shall make the following certification:

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

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

By letter or email to the Water Quality Certification staff designated as the contact for this Order.

C. Certification Deviation Request:

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

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

environmental review. (California Code of Regulations, Title 14, sections 15061, 15162-15164.)

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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

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**Attachment G - Compliance with Code of Federal Regulations,
Title 40, Section 121.7, Subdivision (d)**

The purpose of this Attachment is to comply with Code of Federal Regulations, title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XIV of the Order, and the statements below correspond with the conditions set forth in Section XIV. The other Order Sections are not “conditions” as used in Code of Federal Regulations, title 40, section 121.7.

I. General Justification for Section XIV Conditions

Pursuant to Clean Water Act section 401 and California Code of Regulations, title 23, section 3859, subdivision (a), the Central Valley Water Board, when issuing water quality certifications, may set forth conditions to ensure compliance with applicable water quality standards and other appropriate requirements of state law. Under California Water Code section 13160, the State Water Resources Control Board is authorized to issue water quality certifications under the Clean Water Act and has delegated this authority to the executive officers of the regional water quality controls boards for projects within the executive officer’s region of jurisdiction. (California Code of Regulations, title 23, section 3838.)

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. 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. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12

(a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects only if the demonstrations set forth in Section IV.B.1 of the Dredge or Fill Procedures have been satisfied.

California Code of Regulations, title 23, sections 3830 et seq. set forth state regulations pertaining to water quality certifications. In particular, section 3856 sets forth information that must be included in water quality certification requests, and section 3860 sets forth standard conditions that shall be included in all water quality certification actions.

Finally, Water Code sections 13267 and 13383 authorize the regional and state boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste.

II. Specific Justification for Section XIV Conditions

A. Authorization

Authorization under the Order is granted based on the application submitted. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

Conditions under Section B.3.a related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code. "Hazardous materials" is defined under Health and Safety Code section 25501. These reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work and diversions are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

d. Modifications to Project

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions under Sections B.3.e and B.3.f are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the

quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

D. Standard

1. This Order is subject to modification or revocation

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification’s application.

3. This Order is conditioned upon total payment of any fee

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

E. General Compliance

1. Failure to comply with any condition of this Order

The condition under Section E.1 places the Permittee on notice of any violations of Order requirements. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

2. Permitted actions must not cause a violation of any applicable water quality standards

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board’s Basin Plan. The Basin Plan’s water quality

standards 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. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require

Conditions under Section E.3 related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Technical supports submitted pursuant to Water Code section 13267 are required to be submitted under penalty of perjury. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports

Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

5. This Order and all of its conditions herein continue to have full force and effect

This condition ensures continued compliance with applicable water quality standards and other appropriate requirements of state law. Notwithstanding any determinations by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, the Permittee must comply with the entirety of this certification because, pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

6. Construction General Permit Requirement

Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

7. Delta Regional Monitoring Program (RMP)

This condition ensures continued monitoring, reporting and assessment of water quality for discharges that may impact Delta quality. The Delta waterways are listed as impaired under Clean Water Act section 303(d) for chlordane, DDT, diazinon, dieldrin, mercury, polychlorinated biphenyls, and unknown toxicity. Data from these monitoring studies is used to inform existing control programs, including the Delta Mercury Control Program under the Basin Plan. (Basin Plan, Section 4.5.4.3.)

F. Administrative

1. Signatory requirements for all document submittals

The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

2. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et seq.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

3. The Permittee shall grant Central Valley Water Board staff

The condition related to site access requirements is authorized pursuant to the Central Valley Water Board's authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with." Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These

conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

5. A copy of this Order must be available at the Project site(s) during construction . . .

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

6. Lake or Streambed Alteration Agreement

This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

G. Construction

- 1. Dewatering – Not Applicable**
- 2. Directional Drilling – Not Applicable**
- 3. Dredging**

Conditions relating to dredging activities are necessary ensure protection of beneficial uses and water quality during dredging operations and placement of dredged materials. Authorized placement of materials ensures that no adverse impacts to ground or surface water will occur. This condition is required to assure that dredging operations will comply with water quality objectives established for surface waters, including turbidity and the reintroduction and resuspension of harmful metal or organic materials. (Basin Plan, Sections 3.1.17, 3.1.21, 4.1.9.) These conditions are necessary to ensure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. (Dredge

or Fill Procedures, Section IV.B.1.)

4. Fugitive Dust

This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.)

Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state.

Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

5. Good Site Management “Housekeeping”

Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

6. Hazardous Materials

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the narrative toxicity and chemical constituents water quality objectives. (Basin Plan, Sections 3.1.3, 3.1.20.) Further, conditions related to concrete/cement are required pursuant to the Basin Plan's pH water quality objective. (Basin Plan, Section 3.1.11.)

7. Invasive Species and Soil Borne Pathogens

Conditions related to invasive species and soil borne pathogens are required to ensure that discharges will not violate any water quality objectives under the Basin Plan, adopted under Water Code section 13240 of the Water Code. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Basin Plan, such as rare, threatened, or endangered species; wildlife habitat; and preservation of biological habitats of special significance. (See Basin Plan, Section 2.1.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and

condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19, 3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

10. Sediment Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment. (Basin Plan, Section 3.1.15.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

13. Storm Water

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL)

Total Maximum Daily Loads (TMDLs) are action plans to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

J. Mitigation for Temporary Impacts – Not Applicable

K. Compensatory Mitigation for Permanent Impacts – Not Applicable

L. Certification Deviation

- 1. Minor modifications of Project locations or predicted impacts**
- 2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates**

Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a

report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).

Central Valley Regional Water Quality Control Board

24 April 2026

Jason Cashman
Port of Stockton
P.O. Box 2089
Stockton, CA 95203
JCashman@stocktonport.com

NOTICE OF APPLICABILITY; GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2009-0085 FOR MAINTENANCE DREDGING OPERATIONS; PORT OF STOCKTON; PORT OF STOCKTON CYANOBACTERIA HARMFUL ALGAL BLOOM MAINTENANCE DREDGING PROJECT, SAN JOAQUIN COUNTY

On 3 March 2026, the Port of Stockton (Discharger) requested coverage under the General Order for *Waste Discharge Requirements for Maintenance Dredging Operations, Order R5-2009-0085* (General Order), for the Port of Stockton Cyanobacteria Harmful Algal Bloom (CHAB) Maintenance Dredging Project (Project). Based on the application packet and subsequent information submitted by the Discharger, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the placement of dredged materials associated with this project qualifies for enrollment under this General Order.

This Project is hereby assigned General Order number R5-2009-0085-027. Please reference your General Order number, **R5-2009-0085-027**, in your correspondence and submitted documents.

The in-water work associated with the Project is covered under Clean Water Act Section 401 Water Quality Certification (WDID No. 5B39CR00439) issued to the Port of Stockton.

The Project activities shall be operated in accordance with the requirements contained in the General Order and as specified in this Notice of Applicability (NOA). You are urged to familiarize yourself with the entire contents of the enclosed [General Order](https://www.waterboards.ca.gov/rwqcb5/board_decisions/adopted_orders/general_orders/r5-2009-0085.pdf) (https://www.waterboards.ca.gov/rwqcb5/board_decisions/adopted_orders/general_orders/r5-2009-0085.pdf).

PROJECT DESCRIPTION

The 11.2-acre Project includes maintenance dredging conducted to a depth of one foot mean lower low water plus two feet of overdredge, selected specifically to target and

remove sediment containing cyanobacteria seed stocks, legacy organic carbon, and internal nutrient loads. The total volume of sediment proposed for dredging is estimated to be a maximum of 55,000 cubic yards (cy), including 2 feet of overdredge. Sediment within the maintenance dredging footprint will be removed using mechanical dredging methods. Mechanical dredging involves a crane mounted on a floating deck barge equipped with a clamshell bucket. The clamshell bucket excavates sediment within the dredge area and deposits it into an adjacent scow or barge for transport to the placement site.

Tugboats will be used to position and move dredging equipment. Once in position, the dredge barge will be anchored using two to four spud piles. Filled scows will be transported by tug to the placement site and offloaded.

Dredge Material Placement Site (DMPS) – Sediment removed during maintenance dredging activities will be placed at the Port of Stockton's Roberts Island disposal site, an area previously utilized for sediment disposal from maintenance dredging. If the Roberts Island DMPS is unavailable or if dredged material is determined to be unsuitable for placement at that site, alternative placement options will be evaluated. Dredged sediment is typically offloaded using a hydraulic pump to convey material from the scow to the placement area. Alternatively, an excavator operating within or adjacent to the placement site may be used to offload sediment, though this method is less efficient. The Roberts Island DMPS' current capacity is approximately 4 million cy. The DMPS is surrounded by 8-foot-high berms and the Port of Stockton maintains 2 feet of freeboard below the top of the berm; as such, the site is never filled with more than 6 feet of dredge slurry.

PROJECT SCHEDULE

1 July to 30 November annually

PROJECT LOCATION

Lake McLeod, Stockton Waterfront

Latitude: 37.953889° and Longitude: -121.295833°

MONITORING AND REPORTING

The Discharger shall monitor the Project in accordance with the monitoring and reporting requirements described in the 401 Certification Permit Application Supplement dated December 2025. Any noncompliance or violations of receiving water limitations observed during Project activities shall be reported to the Central Valley Water Board immediately.

DOCUMENT SUBMITTAL AND COMMUNICATION

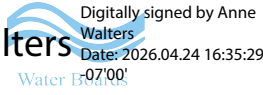
Please convert all documents to a searchable Portable Document Format (pdf). All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Dredging General Order, should be submitted to the Water Quality Certification Unit, Attention: Jenna Yang at

centralvalleysacramento@waterboards.ca.gov and Jenna.Yang@waterboards.ca.gov.
Jenna Yang may also be reached by phone at (916) 464-4764.

Please include the following information in the body of the email:

- Attention: Water Quality Certification Unit, Jenna Yang
- Discharger: Port of Stockton
- Project: Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project
- County: San Joaquin County

Upon completion of project activities and discharges, the Discharger shall submit a request to the Central Valley Water Board to terminate coverage under the General Order. The Discharger is subject to the terms and conditions of this NOA and the General Order and is responsible for submitting the associated annual fee and monitoring reports until the Discharger receives a Notice of Termination (NOT) from the Executive Officer. Upon receipt of the NOT, the Discharger will no longer be authorized to perform the maintenance dredging covered by this NOA and General Order.

 Digitally signed by Anne Walters
Date: 2026.04.24 16:35:29
Water Boards
Anne Walters
Patrick Pulupa
Executive Officer

Enclosure: Waste Discharge Requirements for Maintenance Dredging Operations,
Order R5-2009-0085

Attachments: Figure 1 – Map of Dredge Area
Figure 2 – Map of Dredge Material Placement Site

cc: Distribution List, page 4

**DISTRIBUTION LIST
[VIA EMAIL ONLY]**

Abigail Bobbette (SPK-2026-00042)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
Abigail.M.Bobbette@usace.army.mil
SPKRegulatoryMailbox@usace.army.mil

United States Environmental Protection Agency
R9CWA401@epa.gov

California Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Whitney Thorpe
Robertson-Bryan, Inc.
Whitney@robertson-bryan.com

Legend

Dredge Area Type

- Primary
- Secondary

Stockton Unified School District

WEBER SQUARE

KING PLAZA

Stockton

McLeod Lake

McLEOD LAKE PARK

A1 A2 A3 A4 B C

Mormon Slough

W Weber Ave

W Market St

W Washington St

W Lafayette St

W Sonora St

N Commerce St

N Hunter St

N Madison St

S El Dorado St

S Center St

E Park St

E Oak St

E Lindsay St

E Miner Ave

E Main St

0 410 820 1,600 2,500

Feet

Map Generated: 10/30/2025

REB ROBERTSON-BRYAN, INC.
Solutions for Progress



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

May 27, 2026

Regulatory Division (SPK-2026-00042)

Port of Stockton
Attn: Mr. Jason Cashman
2201 W Washington St
Stockton, California 95203
jcashman@stocktonport.com

Dear Mr. Cashman:

This letter of permission (LOP) authorizes your proposed activities in approximately 11.2 acres of waters of the United States, including wetlands, for the Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project. The approximately 11.2-acre project site is in Mcleod Lake, Latitude 37.95396°, Longitude -121.29540°, Stockton, San Joaquin County, California.

Based on the information you provided to this office, the Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project involves work in navigable waters for 11.2 acres of dredging. The project requires authorization under Section 10 of the Rivers and Harbors Act. The specific activities that require DA authorization are dredging of three (3) areas: Area A (35,000 cy), Area B (10,300 cy), and Area C (9,600 cy). These activities will result in permanent effects to 11.2 acres of river. The proposed activities would be conducted in accordance with the Figures 1-2 plans dated December 2025, prepared by Anchor QEA.

The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. **Work in waters of the United States must be in accordance with the following conditions of authorization:**

Special Conditions:

1. To ensure your project complies with the Federal Endangered Species Act, you must implement all of the mitigating measures proposed as part of your project description, which are identified in the enclosed U.S. Fish and Wildlife Service letter of concurrence (FWS No: 2026-0025409-S7-001, dated April 17, 2026) and National Marine Fisheries Service letter of concurrence (NMFS No: WCRO-2026-00366, dated March 24, 2026). If you are unable to implement any of the proposed measures, you

must immediately notify this office, the U.S. Fish and Wildlife Office, and the National Marine Fisheries Service so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.

2. You shall advise this office in writing at least two weeks prior to initiation of any maintenance dredging activities under the authority of this permit.

3. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

General Conditions:

1. The time limit for completing the work authorized by this permit ends on **May 27, 2031**. If you find that you need more time to complete the authorized activity, submit a request for time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of these requirements if you abandon the permitted activity. This permit may be transferred upon request provided the work complies with the terms and conditions of this authorization. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Should you wish to cease to maintain the authorized activity or abandon it without a good faith transfer, you must obtain a permit modification from this office.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register.

4. You shall comply with all terms and conditions of the Section 401 Water Quality Certification for this project.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

6. You must sign the enclosed Compliance Certification and return it to this office within **45 days** after completion of the authorized work.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

() Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the federal official, designated to act for the Secretary of the Army, has signed below.

This letter contains an initially proffered permit for your proposed project. If you object to the terms or special conditions of this permit, you may request an administrative appeal under Corps regulations at 33 CFR Part 331 by following the instructions on the enclosed Notification of Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-2026-00042 in any correspondence concerning this project. If you have any questions, please contact Abigail Bobbette by email at Abigail.M.Bobbette@usace.army.mil, or telephone at 916 557-7174.

For and on behalf of Colonel McTighe, Commander and District Engineer.

Sincerely,



Mary Pakenham-Walsh
Chief
CA Delta Section

Enclosures

cc:

Ms. Kim Squires, US Fish and Wildlife Service, kim_squires@fws.gov
National Marine Fisheries Services ccvo.consultationrequests@noaa.gov
Central Valley Regional Water Quality Control Board,
centralvalleysacramento@waterboards.ca.gov

Mr. Keith Whitener, Robertson-Bryan Inc., keith@robertson-bryan.com

Ms. Whitney Thorpe, Robertson-Bryan Inc., whitney@robertson-bryan.com

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Port of Stockton, Attn: Mr. Jason Cashman		File No.: SPK-2026-00042	Date: May 27, 2026
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Abigail Bobbette
Regulatory Project Manager
CA Delta Section
U.S. Army Corps of Engineers

Phone: 9165577174, FAX 916-557-7803
Email: Abigail.M.Bobbette@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Travis Morse
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
Phillip Burton Federal Building, Post Office Box 36023
450 Golden Gate Avenue
San Francisco, California 94102
Phone: 970-243-1199x1014, FAX: 971-241-2358
Email: W.Travis.Morse@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

COMPLIANCE CERTIFICATION

Permit File Name: Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance
Dredging Project

Permit File Number: SPK-2026-00042

Permittee: Jason Cashman
Port of Stockton
2201 W Washington St
Stockton, California 95203

County: San Joaquin County

Date of Permit (Proffered): May 27, 2026

Within 45 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Sacramento District

SPKRegulatoryMailbox@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions the permit may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

* * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit.

Signature of Permittee

Date



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region, California Central Valley Office
650 Capitol Mall, Suite 5-100
SACRAMENTO, CA 95814-4700

Refer to NMFS No: WCRO-2026-00366

March 24, 2026

Ms. Abigail Bobbette
Regulatory Project Manager
California Delta Section
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922
Abigail.M.Bobbette@usace.army.mil

Electronic transmittal only

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project

Dear Ms. Bobbette:

This letter responds to your February 20, 2026, request for concurrence from the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act (ESA) for the U.S. Army Corps of Engineers' (Corps') issuance of a Department of the Army permit for the subject action (SPK-2026-00042). Your request qualified for our expedited review and concurrence because it contained sufficient information on your proposed action and its potential effects to ESA-listed species and designated critical habitat.

Updates to the regulations governing interagency consultation (50 CFR part 402) were effective on May 6, 2024 (89 FR 24268). We are applying the updated regulations to this consultation. The 2024 regulatory changes, like those from 2019, were intended to improve and clarify the consultation process, and, with one exception from 2024 (offsetting reasonable and prudent measures), were not intended to result in changes to the Services' existing practice in implementing section 7(a)(2) of the ESA (84 FR 45015; 89 FR 24268). We have considered the prior rules and affirm that the substantive analysis and conclusions articulated in this letter of concurrence would not have been any different under the 2019 regulations or pre-2019 regulations.

We reviewed the Corps' consultation request document and related materials, including the December 2025 Biological Assessment prepared and submitted in support of the proposed action. Based on our knowledge, expertise, and your action agency's materials, we concur with



the action agency's conclusions that the proposed action is not likely to adversely affect the NMFS ESA-listed species and/or designated critical habitat.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The concurrence letter will be available through [NMFS' Environmental Consultation Organizer](#). A complete record of this consultation is on file at the NMFS California Central Valley Office located in Sacramento, California.

Reinitiation of consultation is required and shall be requested by the Corps where discretionary federal involvement or control over the action has been retained or is authorized by law and (1) the proposed action causes take; (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the written concurrence; or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA consultation.

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including conservation measures and any determination you made regarding the potential effects of the action. This review was pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation. In this case, NMFS concluded the action would not adversely affect EFH. Thus, consultation under the MSA is not required for this action. This concludes the MSA consultation.

Please direct questions regarding this letter to Douglas Hampton, of my staff, by email at douglas.hampton@noaa.gov or by telephone at (916) 930-3610.

Sincerely,



Jonathan Ambrose
South Central Delta Branch Chief

cc: To the File ARN 151422-WCR2026-SA0023

Electronic copy only:

Mr. Jason Cashman, Port of Stockton, jcashman@stocktonport.com

Ms. Whitney Thorpe, Robertson-Bryan Inc., whitney@robertson-bryan.com



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay-Delta Fish and Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814



In reply refer to:
2026-0025409-S7-001

April 17, 2026

Abigail Bobbette
Regulatory Project Manager
CA Delta Section
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814-2922

Subject: Informal Consultation on the Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project, City of Stockton, San Joaquin County, California (U.S. Army Corps of Engineers File Number: SPK-2026-00042)

Dear Abigail Bobbette:

This letter is in response to the U.S. Army Corps of Engineers' (Corps') February 20, 2026, letter requesting initiation of informal consultation with the U.S. Fish and Wildlife Service (Service) for the Port of Stockton (Port) Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project (proposed project), in the City of Stockton, San Joaquin County, California. The Corps determined the proposed project may affect but is not likely to adversely affect the federally threatened delta smelt (*Hypomesus transpacificus*) and its designated critical habitat, giant garter snake (*Thamnophis gigas*), and the federally endangered San Francisco Bay-Delta distinct population segment (DPS) of the longfin smelt (longfin smelt DPS; *Spirinchus thaleichthys*). Critical habitat for the longfin smelt DPS has been proposed but does not overlap with the Action Area. This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR § 402).

In considering your request, we have based our evaluation on the following: (1) the Corps' February 20, 2026, letter with the enclosed December 2025 biological assessment and (2) other information available to the Service.

Proposed Project Description

The Port is proposing the use of maintenance dredging, in conjunction with molecular tools, as an approach to control the spread of cyanobacteria. The proposed project will attempt to mitigate

the spread of cyanobacteria seed stock via a targeted maintenance dredging approach guided by molecular tools that detect benthic cyanobacteria seed stocks in the sediments of the Sacramento-San Joaquin Delta. The study is funded by the Corps Engineer Research and Development Center with in-kind funding provided by the California Department of Water Resources. The proposed project would perform targeted maintenance dredging along the Stockton Waterfront, specifically within an approximately 11.2-acre area in McLeod Lake to remove sediment that contains overwintering cyanobacteria.

Maintenance dredging will be conducted to a depth selected specifically to target and remove sediment containing cyanobacteria seed stocks, legacy organic carbon, and internal nutrient loads. Dredging operations are scheduled for October and November 2026, during the in-water work window and when most planktonic cyanobacteria will have settled from the water column into the sediment.

Sediment removed during maintenance dredging activities will be placed at the Port's Roberts Island Dredged Material Placement Site (DMPS), an area previously utilized for sediment disposal from maintenance dredging of the nearby Stockton Deep Water Ship Channel. The suitability of dredged materials for placement at the Roberts Island DMPS will be confirmed using results from pre-dredge sediment characterization. The presence of cyanobacteria will not affect the suitability of dredged materials for placement at Roberts Island DMPS. Cyanobacteria is not a contaminant of concern that is tested for under the General Order per the biological assessment.

The Roberts Island DMPS, maintained by the Port of Stockton, is used for several dredging projects including the Port of Stockton Programmatic Maintenance Dredging Project biological opinion and extension (Service file numbers: 08FBDT00-2017-F-0027 and 2024-0043995-S7-001 and Corps file number SPK 2016-00220). The Service considers the Port of Stockton programmatic biological opinion to be inclusive of the placement and management of the Roberts Island DMPS for this proposed project.

The total volume of sediment proposed for dredging is estimated to be a maximum of 55,000 cubic yards, including 2 feet of overdredge. Dredging is intended to occur in a single episode, but work may be required to occur over multiple dredge seasons, depending on contractor availability. Therefore, permits are requested for a period of 5 years. Dredging is proposed to occur during an in-water window of July 1 through November 30.

Please refer to the biological assessment for further details regarding the dredging and placement methodologies.

Conservation Measures

The Port is proposing to implement a number of general environmental protection measures to avoid and minimize water quality impacts. Please refer to the biological assessment for these measures. The following conservation measures are specific to listed species.

1. Dredging activities will be conducted between July 1 and November 30.

2. A worker education program will be implemented for listed fish that could be affected by dredging. The program will include a presentation to all workers on biology, general behavior, distribution, habitat needs, sensitivity to human activities, legal protection status, and project-specific protective measures for each listed species. Workers will also be provided with written materials containing this information.
3. Operators of construction equipment and all other project workers will not harass any waterfowl or fish in the project area.
4. The following measures will be implemented for the Roberts Island DMPS:
 - a. If decanting of water from the Roberts Island DMPS occurs, the receiving water will be monitored to ensure that the effluent discharge does not affect receiving water quality. The Port will monitor for the same water quality requirements as those described for the dredge operations monitoring in Table 3 of the biological assessment at 300 feet upstream and downstream from the effluent pipe.
 - b. A worker education program will be implemented for special-status terrestrial species that could be adversely impacted by dredged material placement. The program will include a presentation to all workers on biology, general behavior, distribution, habitat needs, sensitivity to human activities, legal protection status, and project-specific protective measures for each listed species. Workers will also be provided with written materials containing this information.
 - c. To minimize and avoid potential effects on giant garter snakes, movement of heavy equipment at the placement site will avoid any irrigation ditches after October 15 in the vicinity of the site.

Conclusion

Delta Smelt and its Critical Habitat and Longfin Smelt DPS

The dredging portion of the proposed project is located in McLeod Lake at the terminal end of the Stockton Deep Water Ship Channel. Based on location and unsuitable habitat conditions, delta smelt and longfin smelt DPS are not likely to occur in McLeod Lake during the proposed project work window of July 1 to November 30. While the McLead Lake is located within designated critical habitat for the delta smelt, the primary constituent elements are absent or significantly diminished in the proposed project area, so none are anticipated to be affected. Therefore, the Service concurs with the Corps' determination that the proposed project may affect but is not likely to adversely affect the delta smelt and its critical habitat and the longfin smelt DPS.

Giant Garter Snake

The Service concurs with the Corps' determination that the proposed project may affect but is not likely to adversely affect the giant garter snake. McLeod Lake does not support the combination of suitable upland and aquatic habitat for the giant garter snake and is therefore not expected to occur within the dredged portions of McLeod Lake.

As noted above, placement of dredged material at Roberts Island DMPS is a covered activity analyzed in the Port of Stockton Programmatic Maintenance Dredging Project biological opinion and extension. Please refer to that consultation regarding effects to giant garter snake.

REINITIATION—CLOSING STATEMENT

This concludes informal consultation on the Port of Stockton Cyanobacteria Harmful Algal Bloom Maintenance Dredging Project. As provided in 50 CFR §402.16,

(a) Reinitiation of consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and:

(1) If the amount or extent of taking specified in the incidental take statement is exceeded;

(2) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;

(3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or

(4) If a new species is listed or critical habitat designated that may be affected by the identified action.

(b) An agency shall not be required to reinitiate consultation after the approval of a land management plan prepared pursuant to 43 U.S.C. 1712 or 16 U.S.C. 1604 upon listing of a new species or designation of new critical habitat if the land management plan has been adopted by the agency as of the date of listing or designation, provided that any authorized actions that may affect the newly listed species or designated critical habitat will be addressed through a separate action-specific consultation. This exception to reinitiation of consultation shall not apply to those land management plans prepared pursuant to 16 U.S.C. 1604 if:

(1) Fifteen years have passed since the date the agency adopted the land management plan prepared pursuant to 16 U.S.C. 1604; and

(2) Five years have passed since the enactment of Public Law 115-141 [March 23, 2018] or the date of the listing of a species or the designation of critical habitat, whichever is later.

Please address any questions or concerns about this response to Kim Squires, Section 7 Division Manager, at kim_squires@fws.gov.

Sincerely,

KIMBERLY
SQUIRES

Digitally signed by
KIMBERLY SQUIRES
Date: 2026.04.17
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Kim Squires
Acting Assistant Field Supervisor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2009-0085
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR MAINTENANCE DREDGING OPERATIONS
SACRAMENTO-SAN JOAQUIN DELTA
(GENERAL ORDER)

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. This General Order specifies general waste discharge requirements (WDRs) regulating maintenance dredging and/or placement projects within the Central Valley Region Water Board that remove and/or place up to 100,000 cubic yards of material during the life of the Notice of Applicability (NOA) for coverage under this order, and meet other criteria as further described herein.
2. The removal, transport, and placement of dredge sediments are the primary components of the dredging process. These actions may be logically divided into two distinct components common to all dredging operations: 1) the excavation and removal of sediments from water bodies (i.e., dredging), and 2) the disposal and/or reuse of these dredged materials in another location (i.e., placement). These actions involve separate regulatory considerations and, where appropriate, are discussed separately in this order. Both actions have the potential to produce waste as defined in California Water Code (CWC) Section 13050(d). Dredging could cause sediment containing metals and other constituents to be discharged to waters of the state. The placement and/or reuse of dredged material on land may be a discharge of waste and has the potential to degrade both surface and ground water.
3. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the State, file a Report of Waste Discharge (RWD).
4. This General Order specifies WDRs regulating maintenance dredging projects situated within the legal boundaries of the Sacramento-San Joaquin Delta (Delta) as defined by the California Water Code (CWC) Section 12220, and the area under the jurisdiction of the Regional Water Board as described in CWC section 13200.
5. For the purposes of this General Order, maintenance dredging is defined as dredging to a previously permitted or previously achieved design depth, that removes less than 100,000 cubic yards of material during any authorized dredging window, which, if discharge occurs, will have a return flow rate less

than one million gallons per day, and in which the dredged materials are deposited in areas authorized by applicable state and federal regulatory agencies, and/or beneficially reused in a manner approved by the Regional Water Board.

6. This General Order shall apply to dredging at channels, ports, and marinas for areas of existing operations and use, in order to restore depth to original or previous design or operational depth. Expansions of facilities, or dredging beyond previous design or operational depth, are not covered under this General Order.
7. This General Order shall apply to municipalities or companies and to individual property owners and/or operators (collectively Discharger) that have submitted a RWD for maintenance dredging operations, paid the appropriate fees for coverage under this General Order, and have been issued a Notice of Applicability by the Regional Water Board's Executive Officer.

RATIONALE FOR THESE GENERAL WASTE DISCHARGE REQUIREMENTS

8. Dredging is necessary to maintain channel capacity for navigation, flood control, water conveyance, public access and recreation, and to provide material for the maintenance of the Delta levees, which are essential for the protection of residents and land use. The levees also prevent tides from bringing saltwater into the east Delta and provide protection for drinking water and agriculture water from saltwater intrusion.
9. Presently, more than 1,100 miles of levees protect the Delta islands from flooding. The U.S. Army Corps of Engineers maintains approximately 385 miles of levees as part of the Sacramento Flood Control Project. Local reclamation districts maintain approximately 715 miles of levees.
10. Pursuant to California Water Code Section 13263(i) the Regional Water Board may prescribe general waste discharge requirements for categories of discharges if the Regional Water Board finds that the following criteria apply to the discharges:
 - a. The discharges are produced by the same or similar operations.
 - b. The discharges involve the same or similar types of waste.
 - c. The discharges require the same or similar treatment standards.
 - d. The discharges are more appropriately regulated under general requirements than individual discharge requirements.
11. Dredging of accumulated sediment in channels is necessary to maintain channel capacity, safe navigation for recreational boaters, and safe passage of ship traffic. Sediments deposited by the rivers and waterways must be periodically removed in order to keep ports, marinas, boat berths, and launch

ramps operational for navigational access. Without a General Order, each dredging project would be required to have individual WDRs, which take a minimum of 4 months between submittal of a RWD and Regional Water Board issuance. By authorizing a General Order, the permitting process is streamlined, so that project approval can occur within a few weeks. Because of the limited time frame when protected species such as Chinook salmon and Delta smelt are absent from the project area, dredging within the Delta is generally restricted to a dredging window between August and December each year. Therefore, streamlining the permitting process for maintenance dredging operations is necessary.

12. Most dredging operations of less than 100,000 cubic yards conducted in inland surface waters within the Central Valley Region are similar. The dredging materials are typically of similar character and are generally subject to similar discharge standards. In addition, the General Order would provide project applicants with a set of "known" requirements that are consistently and fairly applied to all projects. Given these similarities, regulation by means of a general order is appropriate.

PROCEDURES FOR ENROLLMENT

13. To obtain initial "first-time" coverage under the General Order, the following items and documentation must be submitted in the RWD:
 - a. A complete permit application, including:
 - (1) cover letter requesting coverage under this General Order
 - (2) justification of applicability to maintenance dredging criteria
 - (3) a complete description of the dredging operation and site
 - (4) a complete description of the placement operation and site
 - (5) description of proposed best management practices (BMPs) for dredging and placement and/or reuse
 - b. The permit fee;
 - c. The results and technical analysis of pre-dredge sediment analysis of including constituents shown in Table 1, demonstrating compliance with the terms of this General Order;

Table 1- Constituents of Concern

List of required constituents for leachate analysis in pre-dredge sampling¹. Additional constituents may be specified for analysis, by Central Water Board staff.

Constituent	Analytic Method²
Aluminum	6010B/7400
Arsenic	7062/6010B/7400
Barium	6010B/7400
Cadmium	6010B/7400
Chromium – total	6010B/7400
Chromium VI	7195,/7196,/7191
Copper	6010B/7400
Lead	7421/6010B/7400
Manganese	6010B/7400
Mercury	7470A/7471A (RL<25 ng)
Molybdenum	6010B/7400
Nickel	7521/6010B/7400
Selenium	7740/7741
Zinc	6010B/7400

¹ Sampling requirements – Generally, a minimum of two core samples should be taken, and one core sample for each additional 5,000 cubic yards of material to be dredged. Composite samples may be prepared for analysis from at least two core samples for each 10,000 cubic yards of material to be dredged. Actual sample numbers, frequency and compositing may change depending upon particular site and dredged material characteristics. Samples must be representative of the entire depth and volume to be dredged.

² Equivalent analytical methods may be substituted with the approval of Regional Board staff.

- d. A Monitoring Plan outlining steps for compliance with the Monitoring and Reporting Program of this Order;
- e. Documentation of compliance with the California Environmental Quality Act (CEQA). (CEQA documentation is not required for maintenance dredging, or for placement at existing authorized placement sites where the Discharger documents there will be negligible or no expansion of use);
- f. Copies of applications for dredging, or permits from other applicable state and federal agencies; and
- g. If required, as per the terms of this Order:

- (1) Mailing list of adjoining property owners
 - (2) An Operations Plan
 - (3) An Erosion Control Plan
 - (4) A Traffic Management Plan
14. For placement of dredged material in locations that have not previously been used for dredged material placement, the Discharger must submit a mailing list of adjoining property owners to the proposed placement area. After the Executive Officer determines that a proposed discharge is eligible for enrollment under this General Order, a notice of the Regional Water Board's intent to enroll the proposed discharge under the General Order will be mailed to all adjoining property owners. The property owners and other interested persons will be allowed a two-week comment period. After receipt of the comments, the Executive Officer may schedule a public hearing before the Regional Water Board to consider the applicant's enrollment under this General Order, or may issue the NOA.
15. To obtain continuing coverage under this General Order in subsequent years for projects which have already been initially authorized under this order, re-characterization of dredged material through pre-dredge sampling and analysis may be waived at the discretion of the Executive Officer, when existing sediment data are deemed to be representative of the sediments proposed to be dredged. In this case, projects will be evaluated based on the results of existing pre-dredge sampling. Project proponents may submit updated sampling results at their discretion.

APPLICABILITY

16. Unless otherwise specified, an NOA issued under this General Order is valid for a period of five (5) years, assuming there is no change in the character of the remaining material to be dredged affecting its potential threat to water quality. If the Regional Water Board determines that a change in the character of the material to be dredged has, or may have occurred during the five-year validity period, the NOA may be revoked by the Regional Water Board at its discretion, and dredged material may be subject to revaluation by the applicant.
17. This General Order does not apply to projects that:
 - a. Are within the Sacramento and Stockton Deep Water Ship Channels;
 - b. Involve more than 100,000 cubic yards of dredging material;
 - c. Involve undisturbed sediments (i.e., areas where dredging to a previously permitted or operations depth has not previously occurred);
 - d. Involve more than 1 million gallons per day (MGD) return flow rates;
 - e. Discharge to lands listed as hazardous materials sites pursuant to Government Code Section 65962.5;

- f. Could significantly alter the existing drainage pattern of the discharge site; and
 - g. Negatively impact wetlands.
- 18. Due to the limited period available annually to dredge in the Delta, maintenance dredging projects may take several years to complete. Projects may receive coverage under this General Order for greater than one (1) but not to exceed five (5) years. The Discharger is required to notify the Regional Water Board after the dredging project is completed. If after review, the Executive Officer determines that the Discharger has satisfied the requirements of this General Order, coverage for the project may be terminated by the Executive Officer.

DESCRIPTION OF DREDGING OPERATIONS

- 19. The two common methods of dredging in the Delta are hydraulic and clamshell. A clamshell dredge consists of a mechanically operated "bucket" that is used to dig sediments from the bottom. The dredge material is removed bucket-by-bucket and placed on the bank (such as the landward side of the levee) or may be placed in a barge, scow or truck for transport to another location. The lifting action created by the bucket being pulled up from the channel bottom may suspend sediment and increase turbidity throughout the water column. The actual turbidity that may occur depends on the physical characteristics of the sediment (grain size, compaction) and characteristics of the water body (depth, rate of flow, tidal influences).

Clamshell dredging may be preferred for levee maintenance, since the material can sometimes be directly placed and may not require extensive re-handling. The dredge material from clam shell dredging has less water content than that produced by hydraulic dredging.

- 20. Hydraulic dredging typically uses a cutter-head suction dredge that cuts into the sediment with a rotary cutting tool and suctions the dredge material out through a pipe. The dredge material is pumped as slurry that is typically 10 to 20% solids and the remainder water. This slurry is usually delivered to a settling pond(s) dewatering facility via pipeline. The maximum distance that slurry can be transported is restricted by the expense, logistics, and physics of the pipeline system, usually a maximum of a few miles.

DREDGED MATERIAL DISCHARGE AND PLACEMENT

- 21. A dewatering site is required for settling of the hydraulic dredging slurry. Dewatering sites typically are diked on all sides, and may have several internal dikes to route the water. The size and depth of the site is based on the total amount of material and water to be retained, including water that may accumulate from rainfall.

22. At the dewatering or settling pond, the water may be either retained on site and disposed of through evaporation and percolation, or returned back into the receiving water body. The returned water is typically referred to as decant water, return water, or effluent.
23. Many areas of the Delta consist largely of peat soil formations that may become unstable when loads are placed on them. Settling ponds may be hydraulically overloaded potentially causing pond levees or berms to fail. Therefore, settling ponds with a capacity of greater than 10,000 cubic yards effective volume (less freeboard) shall be designed and constructed under the supervision of a California Registered Civil Engineer or Certified Engineering Geologist.
24. Berms can fail from a lack of maintenance, or overtopping due to flooding or wave action. This Order requires a minimum pond freeboard of two feet be maintained to minimize the potential for overtopping.
25. Dredged materials have a potential for erosion until the material has been significantly incorporated into the levee embankment. During the wet season, dredged materials can erode from the levee embankment and subsequently be discharged to surface waters via adjacent stormwater, agriculture, and reclamation ditches. To control erosion, the Discharger shall implement an **Erosion Control Plan**. If the contiguous levee area in which dewatered dredged material is applied is greater than one (1) acre in size, enrollment in the NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, is required. Compliance with the construction stormwater permit is sufficient to satisfy the conditions for an Erosion Control Plan.

CHARACTERISTICS OF DREDGED MATERIALS

26. Historical data from the DREDGE database were used to assess the potential waste constituents in Delta sediments. The DREDGE database was developed by the Department of Fish and Game and contains physical, chemical, and biological (i.e. toxicity) data collected from approximately 50 studies conducted between 1986 and 2000 on Delta sediment samples. The data were grouped into three broad categories based on their locations: (1) deep water ship channels and ports (Ship Channel); (2) small marinas (Marinas); and (3) other river areas, channels, backwaters, and sloughs (Riverine).

The physical characteristics of Delta sediment were found to exhibit the following characteristics:

Sediment Physical Characteristics	Marinas	Riverine	Ship Channel
Percent Total Organic Carbon (TOC)	0.77	0.56	0.1

Percent Fines (% silt and clay)	64	38	22
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27. Sediments containing higher concentrations of silt/clays and TOC have a greater potential to cause turbidity to the receiving water and may require longer periods for settling in the dewatering facility. Sediment from marinas was found to contain the highest concentrations of silt and TOC. Marinas may be situated behind breakwaters and are less subject to water currents and therefore have the potential for fine sediment deposition and accumulation of organic carbon.
28. Many chemical constituents are lipophilic (typically hydrophobic) and will preferentially sorb or attach to organically enriched or fine particles of sediment. Therefore, sediment waste constituents may correlate with measured physical properties such as grain size and total organic carbon. Water column effects from dredging may occur when waste constituents on the sediment particles are either dissolved or resuspended in the water column. Dredging operations may cause some degradation temporarily to surface waters as concentrations of turbidity, total suspended solids, and other wastes may increase and dissolved oxygen decreases as bottom sediments are disturbed in the excavation process (i.e., by the cutter head or bucket).
29. The DREDGE database also contains chemical constituent data from dredged sediment leachate extracted using the deionized water waste extraction test (DIWET). The DIWET data were used to predict the potential characteristics of leachate from dredge materials. In general, dewatering facilities and dredged material placement sites are not equipped with liners, and therefore leachate from dredged sediments may migrate through the soil column via soil pore space to the underlying groundwater. Metal waste constituents typically detected in the DIWET leachate at concentrations that have the potential to impact groundwater are aluminum, arsenic, chromium VI, copper, lead, manganese, mercury, and zinc.
30. The DREDGE database contains information on constituents of concern that may be present in the return water discharges to surface waters from dewatering facilities, as determined using the modified elutriate test (MET). The MET simulates the dredging and settling process by mixing four parts river water and one part sediment, then mechanically mixing and aerating for one hour. The mixture is then allowed to settle for 24 hours, or the length of the estimated retention time of the dewatering facility. The supernatant is then decanted off and analyzed. Constituents identified in the MET in concentrations that have the potential to impact receiving waters are aluminum, arsenic, copper, lead, manganese, mercury, nickel, and zinc.
31. Dewatered dredged material may be directly placed or beneficially reused for levee improvement, as foundation material or other uses. However, during the

wet season, stormwater runoff and leachate from dredged materials may contain soluble constituents that could migrate to surface water adjacent to the placement site. Dredged sediment must be accurately characterized prior to placement or reuse, as specified in this order or in the Notice of Applicability.

32. The Regional Water Board has reviewed extensive long-term monitoring data from a network of 27 wells installed at Roberts Island dredged material placement site. These data indicate that the effect of continuous dredged material placement, at that site over several decades, has shown minor impacts in the groundwater associated with the peat soils and insignificant impacts in the underlying groundwater sand layer when compared to nearby agricultural operations.
33. The data from Roberts Island No. 1 long-term ground water monitoring indicate that procedures for evaluating and authorizing dredge material placement are at least adequate enough to prevent significant water quality impacts to ground water from long-term dredged material placement at this site.
34. Similar, long-term monitoring of other dredge material placement sites is currently being undertaken. Results from additional sites in the Delta will provide wider understanding of the degree of attenuation that may occur at various sites. The results of these long-term monitoring studies will guide decisions applicable to this General Order on the suitability of placement of dredged material.
35. Dredged material represents a potential resource for rehabilitation of levees, for use as foundation materials for construction projects, for subsidence mitigation, for ecosystem restoration, and other productive uses.

BASIN PLAN, BENEFICIAL USES, AND REGULATORY CONSIDERATIONS

36. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board (State Board). These requirements implement the Basin Plan.
37. The beneficial uses of the Sacramento-San Joaquin Delta are municipal supply; domestic supply; agricultural irrigation; process; service supply; water contact recreation; non-contact water recreation; warm fresh water habitat; cold fresh water habitat; warm water migration; cold water migration; warm water spawning; wildlife habitat; and navigation.
38. Designated beneficial uses of ground water are municipal and domestic supply, industrial service and process supplies, and agricultural supply.

39. Section 13267(b) of the California Water Code provides that:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

40. The technical reports required by this Order and the attached Monitoring and Reporting Program are necessary to assure compliance with these waste discharge requirements.
41. USEPA adopted the *National Toxics Rule* (NTR) on 5 February 1993 and the *California Toxics Rule* (CTR) on 18 May 2000. These Rules contain water quality standards applicable to this discharge. The State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Plan [SIP]), which contains guidance on implementation of the *National Toxics Rule* and the *California Toxics Rule*. The Basin Plan contains the "Policy for Application of Water Quality Objectives" that requires consideration of published standards of other agencies in implementing narrative water quality objectives. The CTR and NTR standards may be incorporated in waste discharge requirements where appropriate to implement the Basin Plans consistent with the Policy for Application of Water Quality Objectives.
42. Section 1.4.4 of the SIP provides that the Regional Water Board may consider **Intake Water Credits** when establishing water quality-based effluent limitations for discharges to surface water, if the following conditions are met:
- The maximum ambient background concentration and the intake water concentration of pollutant exceed the most stringent applicable criterion;
 - Intake Water Credits are consistent with any Total Maximum Daily Load (TMDL) limit;
 - The intake water is from the same water body as the receiving water body;
 - A direct hydrological connection between the intake and discharge points;

- e. The water quality characteristics are similar in the intake and receiving waters; and
 - f. The facility does not alter the intake water pollutant chemically or physically in a manner that adversely affects water quality and beneficial uses.
- 43. Delta waterways are impaired by a number of chemical constituents, and dredging operations utilize intake water directly from the Delta for slurry transport. The dewatering facility may not remove all the dissolved constituents that were originally present in the intake water and the effluent water from the dewatering facility may contain some of the same chemical constituents in concentrations that exceed promulgated water quality criteria. Therefore, although the SIP does not apply to these WDRs, the Regional Water Board finds that the use of Intake Water Credits is appropriate for non-point source discharges regulated by these WDRs. Therefore, Dischargers subject to this General Order may request Intake Water Credits for constituents that exceed water quality objectives. Intake Water Credits shall apply only as stated in the NOA.
- 44. The Basin Plan requires that total identifiable persistent **chlorinated** hydrocarbon (OC) pesticides shall not be present in the water column at concentrations detectable within the accuracy of analytical methods approved by either the EPA or the Executive Officer. In addition, new sources of bioaccumulative wastes are not authorized. Therefore, the use of Intake Water Credits for OC pesticides or bioaccumulative waste such as mercury is not allowed or appropriate.
- 45. The Basin Plan numerical and narrative water quality objectives for surface and groundwater within the basin are implemented primarily through the adoption of WDRs. Narrative water quality objectives are implemented consistent with the Policy for Application of Water Quality Objectives contained in the Basin Plan by establishing numerical limitations based on, among other factors, published standards.
- 46. The Basin Plan contains a Chemical Constituents water quality objective that, among other objectives, identifies numerical water quality objectives for waters designated as municipal supply. At a minimum, water designated for domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the California maximum contaminant levels (MCLs) specified in the following provisions of Title 22, California Code of Regulations:
 - a. Table 64431-A (Inorganic Chemicals) of Section 64431;
 - b. Table 64431-B (Fluoride) of Section 64431;
 - c. Table 64444-A (Organic Chemicals) of Section 64444; and
 - d. Table 64449-A (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits) of Section 64449.

The Basin Plan's incorporation of these provisions by reference is prospective, and includes future changes to the incorporated provisions as the changes take effect. The Basin Plan recognizes that the Regional Water Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.

47. The Basin Plan contains narrative water quality objectives for chemical constituents, taste and odor, and toxicity. The narrative toxicity objective requires that surface waters and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in plants or animals. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect beneficial uses.
48. State Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining High Quality Waters in California") requires that the Regional Water Board, in regulating the discharge of waste, must maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State; will not unreasonably affect beneficial uses; and will not result in water quality less than that described in the Regional Water Board's policies. Maintenance dredging allows continued access of commercial and private vessels along waterways, which supports economic and recreational activities that benefit the people of the State. The effluent limitations and management practices required by this General Order will result in the use of Best Practicable Treatment and Control technologies, which will minimize or eliminate any adverse change in the quality of surface and ground waters, and will prevent an unreasonable impact on beneficial uses.
49. The discharges authorized by this General Order are consistent with State Board Resolution 68-16 and 40 CFR 131.12 (the federal anti-degradation policy). This General Order establishes requirements that will result in best practicable treatment or control of the discharge to assure that pollution or nuisance will not occur and that the discharges will not unreasonably affect beneficial uses or result in water quality less than prescribed in the Basin Plans.
50. Projects eligible for enrollment in this General Order require a U.S. Army Corps of Engineers Section 10 permit (Rivers & Harbors Act) for dredging operations and may require a Clean Water Act (CWA) Section 404 permit for the discharge of the "effluent" to surface waters. Each project also requires a CWA Section 401 Water Quality Certification from the Regional Water Board. Such Certification will be issued as part of the approved "Notice of Applicability." Other applicable state and federal permits must be obtained prior to discharge. Projects may also be subject to regulation by the California Department of Fish

and Game, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the State Lands Commission.

51. The wastewater and sediment discharges authorized herein and the treatment and storage facilities associated with the discharge are exempt from the requirements of Title 27 CCR. The exemption, pursuant to Title 27 CCR Section 20090(b), is based on the following:
 - a. Issuance of WDRs;
 - b. The WDRs are consistent with the Basin Plan, and require all enrolled discharges to meet water quality objectives and comply with the anti-degradation policy;
 - c. No need to manage wastewater according to Title 22, CCR, Division 4.5, and Chapter 11, as a hazardous waste. In order to be eligible for coverage under this Order, the Discharger must demonstrate that the waste is not classified as a hazardous waste;
 - d. Any slurry water from hydraulic dredging receives treatment, if necessary, in the dewatering facility; and
 - e. Any effluent return flows must comply with the specified effluent and receiving water limitations that are protective of water quality.
52. Pursuant to CWC Section 13263(g), discharge is a privilege, not a right, and adoption of this General Order does not create a vested right to continue the discharge.
53. This General Order does not preempt or supersede the authority of municipalities, flood control agencies, and other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction, but such regulation by other entities may not be less stringent than this General Order.
54. These General WDRs are exempt from the California Environmental Quality Act (CEQA) because they are not a "project" within the meaning of CEQA, since a "project" results in a direct or indirect physical change to the environment (Title 14, CCR section 15378). These WDRs do not authorize any specific project, so consideration of project-level impacts would be speculative at this time. Some projects eligible for enrollment in these WDRs will be categorically exempt from CEQA pursuant to Cal. Code of Regs. Title 14, section 15301 (existing facilities with negligible or no expansion of use) or section 15304. Projects that are not exempt will be subject to CEQA review before receiving a Notice of Applicability and section 401 water quality certification.
55. Maintenance dredging and placement of the dredged material in areas authorized by applicable regulatory agencies is categorically exempt from the

provisions of CEQA in accordance with Title 14, California Code of regulations, Chapter 3, Section 15304 (g).

DELTA CONCERNS

56. The Delta waterways are listed pursuant to Clean Water Act (CWA) section 303(d) as impaired for chlorpyrifos, DDT, diazinon, Group A pesticides, and mercury. A portion of the Delta is listed for electrical conductivity, and low dissolved oxygen causes impairment in the Stockton Deep Water Ship Channel.
57. Dischargers located within the watershed of a 303(d) impaired water body, for which a TMDL has been adopted, may be required to implement additional BMPs, conduct additional monitoring activities, and/or comply with additional requirements.
58. The Stockton Deep Water Ship Channel and Sacramento Deep Water Ship Channel are routinely dredged to maintain navigation access. However, the amount of sediment removed normally exceeds 100,000 cubic yards of material annually. Maintenance dredging operations in the Stockton or Sacramento Deep Water Ship Channels are not appropriate under this General Order and are regulated under separate Orders.
59. For Delta waters, the Basin Plan general objective for turbidity shall not exceed 50 Nephelometric Turbidity Units (NTU) in waters of the Central Delta and 150 NTU in other Delta waters. The objective states, "Exceptions to the Delta specific objective will be considered when dredging operations may cause a short-term localized increase in turbidity. In this case, an allowable zone of dilution within which turbidity in excess of the limits can be tolerated will be defined for the operation and prescribed in a discharge permit. Dredging operations can be modified to reduce the amount of turbidity." In addition, silt curtains or other measures may be employed to control any turbidity to within 300 feet from dredging operations. The point of compliance with the turbidity limitation shall be 300 feet downstream of the dredging operation. However, the dredging operation cannot cause or contribute to acute toxicity in the water body at any point of discharge. Therefore, the point of compliance with the toxicity limitation shall be at the point of discharge (i.e., the dredging operation).
60. The Delta is subject to tidal influence, seasonal water pumping, and agricultural return flows, which have significant impacts on water quality, flow hydrodynamics, and the amount of water available for dilution. Furthermore, flow exchange in backwater sloughs and marinas may be very limited or stagnant at times. Therefore, reliable dilution may not be available in the receiving stream for a mixing zone.

61. In addition to an accurate characterization of the material to be dredged, an evaluation of the potential groundwater impacts caused by the placement or reuse of dredged material is required. Because of the shallow depth to groundwater in some areas of the Delta, attenuation within the unsaturated soil column underlying placement sites is often limited. Therefore, without a specific technical analysis submitted by the project proponent justifying a higher attenuation factor for the proposed placement site(s), an attenuation factor of one (1) will be assigned.

EFFLUENT LIMITATIONS FOR RETURN FLOWS TO SURFACE WATER

62. As discussed in Finding 43, Delta waterways are impaired by a number of chemical constituents and intake water from the dredged material may exceed water quality criteria. Additionally, dredging operations may utilize surface water for sediment transport and therefore, the discharge may contain background concentrations of these chemicals that exceed the chemical constituent objective. When the following chemicals listed in the findings below, are detected in intake samples, Dischargers subject to this General Order may request Intake Water Credits for these constituents for return flows.
63. Based on data contained in the DREDGE database, the effluent concentration of aluminum in the Delta has been reported as high as 5,200 µg/l. **Aluminum** can be toxic to aquatic organisms. The 4-day average Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life, for waters with extremely low hardness and pH, for aluminum is 87 µg/l. Effluent discharge has a potential to cause violation of the Basin Plan narrative toxicity objective if extremely low hardness and pH conditions exist in the receiving water. It is unlikely that the extremely low hardness and pH conditions will occur in the Delta at times when dredging is allowed. However, to assure that aquatic toxicity resulting from aluminum does not occur, an aluminum effluent limitation has been included in this General Order that will be in effect if the receiving water hardness is less than 50 mg/L hardness as CaCO₃.
64. Sediments contain organic material and **Ammonia**. Dredging operations may result in the discharge of ammonia to the receiving stream. Furthermore, retention time in the dewatering area may be insufficient to allow biological processes sufficient time to convert the ammonia to nitrate. Ammonia is known to cause toxicity to aquatic organisms in surface waters, for which the Basin Plan contains a narrative toxicity objective. U.S. EPA has developed Ambient Water Quality Criteria for ammonia, which is dependent on pH and the presence of salmonids. Because salmonids may be present in the Delta during dredging operations, an effluent limitation, based on the Ambient Water Quality Criteria for ammonia with salmonids present, has been included in this Order consistent with the Policy for Application of Water Quality Objectives.

65. The Basin Plan contains a chemical constituent objective for **Arsenic** of 10 µg/l for the Sacramento-San Joaquin Delta. Based on data contained in the DREDGE database, the effluent concentration of arsenic in the Delta has been reported as high as 37 µg/l. The Effluent discharge has a potential to cause violation of the Basin Plan chemical constituent objective for arsenic. Therefore, an arsenic effluent limitation, based on the Basin Plan chemical constituent objectives, has been included in this General Order.
66. The Basin Plan contains a chemical constituent objective for **Barium** of 100 µg/l for the Sacramento-San Joaquin Delta. The Delta waterways have been found to periodically contain barium concentrations that exceed the chemical constituent objective. Therefore, a barium effluent limitation, based on the Basin Plan chemical constituent objectives, has been included in this General Order.
67. The San Joaquin River is impaired for boron. **Boron** can be toxic to plants. The *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1, recommends that the boron concentrations in waters used for agricultural irrigation (Agricultural Water Quality Goal) not exceed 700µg/l. Effluent discharge to surface waters may contain concentrations of boron that exceed the chemical constituent objective. Therefore, a boron effluent limitation presented in total concentration has been included in this General Order.
68. **Chromium VI** is toxic to aquatic life. It is soluble and is not sorbed to any significant degree by clays or hydrous metal oxides, and therefore may not be adequately removed by settling in the dewatering facility. The USEPA's 4-day average Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life for chromium VI is 11 µg/l. Applying the Policy for Application of Water Quality Objectives, a chromium VI effluent limitation, based on the Basin Plan narrative toxicity objective, has been included in this General Order.
69. The Basin Plan contains a chemical constituent objective for the Sacramento-San Joaquin Delta of 10 µg/l for **Copper**. The CTR also contains copper criteria that vary with hardness. At levels less than a hardness of 120 mg/l as CaCO₃, the 4-day average CTR criterion is more stringent than the Basin Plan objective. Based on data contained in the DREDGE database, the effluent concentration of copper in the Delta has been reported as high as 441 µg/l. Applying the Policy for Application of Water Quality Objectives, a copper effluent limitation, based on the Basin Plan chemical constituent objectives and the CTR criteria, has been included in this General Order.
70. The **Electrical Conductivity (EC)** may increase when dredged minerals are suspended in the water column and dissolved from the dredged sediments. EC may also increase when water in a dredged slurry dewatering facility

evaporates. EC is a critical water quality parameter for determining the suitability of water for irrigation and other beneficial uses. The State Water Resources Control Board's *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan) constituent objective for EC is 700 $\mu\text{mhos/cm}$ (calculated with a 30-day running average, from April through August each year). During the period from September through March of each year, the constituent objective for EC is 1,000 $\mu\text{mhos/cm}$ (calculated with a 30-day running average). The cited Bay-Delta Plan salinity objectives are applicable generally in the southern Delta. An effluent limitation, based on the Basin Plan EC constituent objective, has been included in this General Order.

71. Based on data contained in the DREDGE database, the effluent concentration of **Lead** has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for Lead. Lead toxicity to aquatic life and humans is hardness dependent. The 4-day chronic CTR limit for lead is 1.8 $\mu\text{g/l}$ at 65 mg/l hardness. The Cal/EPA Office of Environmental Health Hazard Assessment has published a Public Health Goal of 2 $\mu\text{g/L}$ for lead in drinking water. Applying the Policy for Application of Water Quality Objectives, an effluent limit for lead, based on CTR criteria and the Public Health Goal, and presented in total concentration, has been included in this Order.
72. The Basin Plan contains a chemical constituent objective of 50 $\mu\text{g/l}$ for **Manganese** in the Sacramento-San Joaquin Delta. Based on data contained in the DREDGE database, the effluent concentration of manganese in the Delta has been reported as high as 597 $\mu\text{g/l}$. The discharge has a reasonable potential to cause violation of the Basin Plan chemical constituent objective for manganese. Therefore, a manganese effluent limitation, based on the Basin Plan chemical constituent objectives, has been included in this General Order.
73. Based on data contained in the DREDGE database, effluent discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR Standard for **Mercury**. Mercury bioaccumulates in animal tissue and can be harmful to human health. The CTR limit for mercury is 0.05 $\mu\text{g/l}$ for drinking water and fish consumption. Applying the Policy for Application of Water Quality Objectives, an effluent limit for mercury based on the CTR has been included in this General Order.
74. Based on data contained in the DREDGE database, the effluent discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR Standard for **Nickel**. Nickel is a heavy metal whose toxicity is hardness dependent. The CTR 4-day average limit for nickel is 52 $\mu\text{g/l}$ at 100 mg/l hardness. Applying the Policy for Application of Water Quality Objectives, an effluent limit for nickel, based on the CTR and presented in total concentration, has been included in this General Order.

75. Based on data contained in the DREDGE database, the effluent concentration of tributyltin in the Delta has been reported as high as 1,400 µg/l. **Tributyltin** can be toxic to aquatic organisms. The USEPA's Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life 4-day average limit for tributyltin is 0.072 µg/l. Applying the Policy for Application of Water Quality Objectives, an effluent limitation for tributyltin, based on the Basin Plan narrative toxicity objective, has been included in this General Order.
76. Based on data contained in the DREDGE database, the effluent concentration of **Zinc** in the Delta has been reported as high as 31,390 µg/l. The Basin Plan for the Sacramento-San Joaquin Delta contains a chemical constituent objective for zinc of 100 µg/l. The CTR lists a 4-day average criterion for zinc of 81 µg/L for the protection of freshwater aquatic life. Applying the Policy for Application of Water Quality Objectives, a zinc effluent limitation, based on the Basin Plan chemical constituents objective and the CTR criteria has been included in this General Order.

Pesticides

77. Delta waters are CWA 303(d) listed for **Chlorpyrifos**, which can be toxic to aquatic organisms. The USEPA's 4-day average Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life for chlorpyrifos is 0.014 µg/l. Applying the Policy for Application of Water Quality Objectives, a chlorpyrifos effluent limitation, based on the Basin Plan narrative toxicity objective, has been included in this General Order.
78. Delta waters are CWA 303(d) listed for **Diazinon**, which can be toxic to aquatic organisms. The CDFG 4-day average Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life for diazinon is 0.05 µg/l. Applying the Policy for Application of Water Quality Objectives, a diazinon effluent limitation, based on the Basin Plan narrative toxicity objective, has been included in this General Order.
79. The Basin Plan contains a pesticide objective for **OC Pesticides**. The Basin Plan states, "*Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the water column at concentrations detectable within the accuracy of analytical methods approved by either the EPA or the Executive Officer.*" Based on data contained in the DREDGE database, effluent discharge in the Delta may contain OC pesticides. This General Order contains an effluent limitation prohibiting the discharge of OC pesticides at concentrations detectable within the accuracy of analytical methods.

PUBLIC NOTICE

80. All of the above, as well as the supplemental information and details in the attached Information Sheet, incorporated by reference herein, were considered in establishing the following conditions of discharge.
81. Interested agencies and persons were notified of the intent to prescribe a General Order for this group of discharges and were provided an opportunity for a public hearing, and an opportunity to submit their written views and recommendations.
82. In a public meeting, all comments pertaining to the discharges were heard and considered.

IT IS HEREBY ORDERED that all Dischargers that file a complete Report of Waste Discharge and are issued a Notice of Applicability under provisions of this General Order, and all heirs, successors, or designees, in order to meet the provisions contained in Division 7 of California Water Code and regulations adopted thereunder, shall comply with the following:

A. Discharge Prohibitions:

1. The discharge from dredging operations, including material disturbed by either the cutter head or bucket during dredging, shall not cause or contribute to acute toxicity in the receiving waters.
2. Except as designated in the NOA or as described in Finding No. 22, the discharge of dredged material (water or solid waste) from a dredged material dewatering facility to surface waters and surface water drainage courses is prohibited.
3. Except for activities permitted by the U.S Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the CWA, soil, silt, or other organic material shall not be placed where such material could pass into surface water or surface water drainage courses.
4. Maintenance dredging shall be confined to the area of operation described in the NOA.
5. Maintenance dredging shall not exceed the maximum depth or volume stated in the NOA.
6. The discharge of dredged material shall be confined to the designated area stated in the NOA unless authorized for removal or reuse.

7. Bypass or overflow of untreated or partially treated sediment or water from the dredged material dewatering facility is prohibited.
8. Discharge of waste classified as "hazardous," defined in Section 20164 of Title 27, CCR is prohibited.
9. The discharge of petroleum products to surface waters is prohibited.
10. The discharge of OC pesticides at concentrations detectable within the accuracy of analytical methods is prohibited.
11. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
12. Activities shall not cause turbidity to exceed 50 NTU in waters of the Central Delta and 150 NTU in other Delta waters as measured in surface waters 300 feet down-current from the project.
13. The discharge of domestic wastewater is prohibited.
14. The discharge to wetlands is prohibited.

B. Discharge Specifications:

1. The average daily return flow discharge rate shall not exceed 1 MGD.
2. The total amount of dredged material shall not exceed 100,000 cubic yards for any one Notice of Applicability.
3. Neither the treatment nor the discharge shall cause a nuisance or condition of pollution as defined by the California Water Code, Section 13050.
4. No constituent shall be released or discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the Groundwater Limitation.
5. Objectionable odors originating at this facility disposal site shall not be perceivable beyond the limits of the property owned or operated by the Discharger.
6. As a means of discerning compliance with Discharge Specification No. 5, the dissolved oxygen content in the upper zone (1 foot) of all standing water in the ponds shall not be less than 1.0 mg/l.

7. The Discharger shall maintain two feet of freeboard in the dewatering facility at all times.
8. All areas disturbed by the project activities shall be protected from washout and erosion. The Discharger shall develop and implement an Erosion Control Plan, which shall be submitted with the RWD.
9. The dewatering facility shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
10. Newly constructed or rehabilitated levees at dewatering facilities with a capacity greater than 10,000 cubic yards effective volume, less freeboard, shall be designed and constructed under the direct supervision of a California Registered Civil Engineer, or Certified Engineering Geologist.
11. The Discharger shall operate all systems and equipment to maximize treatment of return water and optimize the quality of the discharge.

C. Groundwater Limitation:

The discharge, in combination with other site-derived sources, shall not cause underlying groundwater to contain waste constituents statistically greater than background water quality.

D. Effluent Limitations:

The point of compliance for effluent limitations is the location where the effluent discharge to the receiving waters from the dewatering facility occurs. The actual point of compliance for each discharger will be specified in the NOA.

1. Effluent discharged to surface waters shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Maximum Concentration</u> ^{1, 2, 3}
Aluminum	µg/L	87 ⁴
Arsenic	µg/L	10
Barium	µg/L	100
Boron	µg/L	700
Chromium VI	µg/L	11
Copper	µg/L	Attachment C
Lead	µg/L	Attachment D
Manganese	µg/L	50

<u>Constituent</u>	<u>Units</u>	<u>Maximum Concentration</u> ^{1, 2, 3}
Mercury	µg/L	0.05
Nickel	µg/L	Attachment E
Zinc	µg/L	Attachment F
Chlorpyrifos	µg/L	0.014
Diazinon	µg/L	0.05
Oil and Grease	mg/L	5
Tributyltin	µg/L	0.072

¹ Concentrations shall be determined using methods specified in Table 1, or as specified in the NOA. Applicable effluent concentration limits shall be stated in the NOA. Metal concentrations are dissolved except for lead, mercury, nickel, and boron, which are total recoverable.

² Intake Water Credits as described in the SIP Section 1.4.4 may be used if approved in the NOA.

³ Allowable maximum concentrations may be set lower by the Regional Board as deemed appropriate, and consistent with public health guidelines, environmental protection and water quality protection.

⁴ Applicable where receiving water has a hardness of less than 50 mg/L as CaCO₃.

2. The discharge shall not exceed the pH-Dependent Effluent Limits for ammonia shown on Attachment B.
3. The discharge shall not have a pH less than 6.5 nor greater than 8.5.
4. During the time period from 1 April through 31 August each year, the effluent discharge shall not have an EC value greater than 700 µmhos/cm, as calculated on a 30-day running average. From 1 September through March each year, the effluent discharge shall not have EC value greater than 1,000 µmhos/cm, as calculated on a 30-day running average.
5. The effluent shall not contain any constituent at concentrations that could cause acutely toxic conditions to aquatic life nor adversely impact biologically sensitive or critical habitats.
6. Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the discharge at concentrations detectable within the accuracy of analytical methods approved by either the EPA or the Executive Officer.

E. Dredge Material Reuse Limitations

1. Sediment placed or reused for levee improvement projects with the potential to discharge runoff to surface waters shall not exceed the following leachable concentrations:

<u>Constituent</u>	<u>Units</u>	<u>Maximum Concentration</u> ^{1,2}
Aluminum	µg/L	87 ³
Arsenic	µg/L	10
Chromium VI	µg/L	11
Copper	µg/L	10
Lead	µg/L	2.5
Manganese	µg/L	50
Mercury	µg/L	0.05
Zinc	µg/L	100

¹ Concentrations shall be determined using methods specified in Table 1, or as specified in the NOA. Applicable effluent concentration limits shall be stated in the NOA. Metal concentrations are dissolved except for lead, mercury, nickel, and boron, which are total recoverable.

² To be determined using California Code of Regulations, Title 22, Waste Extraction Test modified to use deionized water.

³ Applicable where receiving water has a hardness of less than 50 mg/L as CaCO₃.

F. Receiving Water Limitations

Receiving Water Limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this General Order.

The discharge shall not cause the following in the receiving water:

1. Concentrations of dissolved oxygen to fall below 7.0 mg/l in the Sacramento River (below the I Street Bridge) and in all Delta waters west of the Antioch Bridge; 6.0 mg/l in the San Joaquin River (between Turner Cut and Stockton, 1 September through 30 November); and 5.0 mg/l in all other Delta waters, except for those bodies of water which are constructed for special purposes and from which fish have been excluded or where the fishery is not important as a beneficial use.
2. Oils, greases, waxes, floating material (liquids, solids, foam, and scum) or suspended material to create a nuisance or adversely affect beneficial uses.
3. Activities shall not cause turbidity increases in surface waters to exceed:

- a. where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;
- b. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- c. where natural turbidity is between 50 and 100 NTUs, increase shall not exceed 10 NTUs;
- d. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above turbidity limit for in-water construction and excavation work (i.e. the dredge operation) shall be 300 feet down current of the operation.

4. Water quality objectives of constituents of concern as established in the Basin Plan follow. Chemical constituents shall not exceed these concentrations.

<u>Constituent</u>	<u>Units</u>	<u>Maximum Concentration</u> ¹
Arsenic	µg/L	10
Barium	µg/L	100
Copper	µg/L	10
Cyanide	µg/L	10
Iron	µg/L	300
Manganese	µg/L	50
Silver	µg/L	10
Zinc	µg/L	100

¹Metal objectives in this table are expressed in dissolved concentrations

5. Esthetically undesirable discoloration.
6. Fungi, slimes, or other objectionable growths.
7. The ambient pH to fall below 6.5, exceed 8.5, or the 30-day average to change by more than 0.5 units.
8. The ambient temperature to increase more than 5°F.
9. Deposition of material that causes nuisance or adversely affects beneficial uses.

10. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations, Title 22; that harm human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
11. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.
12. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
13. Violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Board pursuant to the CWA and regulations adopted thereunder.
14. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.
15. The fecal coliform concentration in any 30-day period to exceed a geometric mean of 200 MPN/100 ml or cause more than 10 percent of total samples to exceed 400 MPN/100 ml.

G. Provisions

All of the following reports shall be submitted pursuant to California Water Code Section 13267 and shall be prepared by registered professionals as described by Provision G. 6:

1. If the project involves the upland placement of dredged material or dewatering of dredge slurry, the Discharger shall develop and implement an **Operation Plan** that describes site operations and procedures to be followed before, during, and after dredged sediment or dredge slurry placement. The Operation Plan must be submitted with the RWD and shall include emergency procedures for potential risks, including levee failures.
2. If the project will result in the construction of a new dredged material dewatering facility, then at least **60** days prior to construction of the facility, the Discharger must submit a Biological Assessment Report for the Executive Officer approval. The Biological Assessment Report shall, at a minimum, contain the following information:

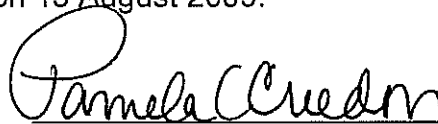
- a. A description of the project;
 - b. A map showing the site location for the project;
 - c. Review of the biological resources for the site and documentation that the project will not adversely affect endangered, threatened, or rare species and that the project will not adversely affect the habitat of such species;
 - d. A demonstration that the project will not interfere with the movement of native resident or migratory species; and
 - e. Documentation that the project will not conflict with policies or ordinances protecting biological resources or will conflict with an adopted Habitat Conservation Plan or other type of approved biological habitat management plan.
3. Pursuant to Section 13267 of the California Water Code, the Discharger may be required to submit other technical reports as directed by the Executive Officer.
 4. The Discharger shall comply with the attached Monitoring and Reporting Program, which is part of this General Order, and any revision thereto as ordered by the Executive Officer.
 5. The Discharger shall submit an Erosion Control Plan as described in Finding 25 of this Order.
 6. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal, as appropriate.
 7. The Discharger shall take all reasonable steps to prevent any discharge in violation of this General Order. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of the Notice of Applicability.
 8. The Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991,

which is, by reference, a part of this General Order. This attachment and its individual paragraphs are commonly referenced as "Standard Provision(s)."

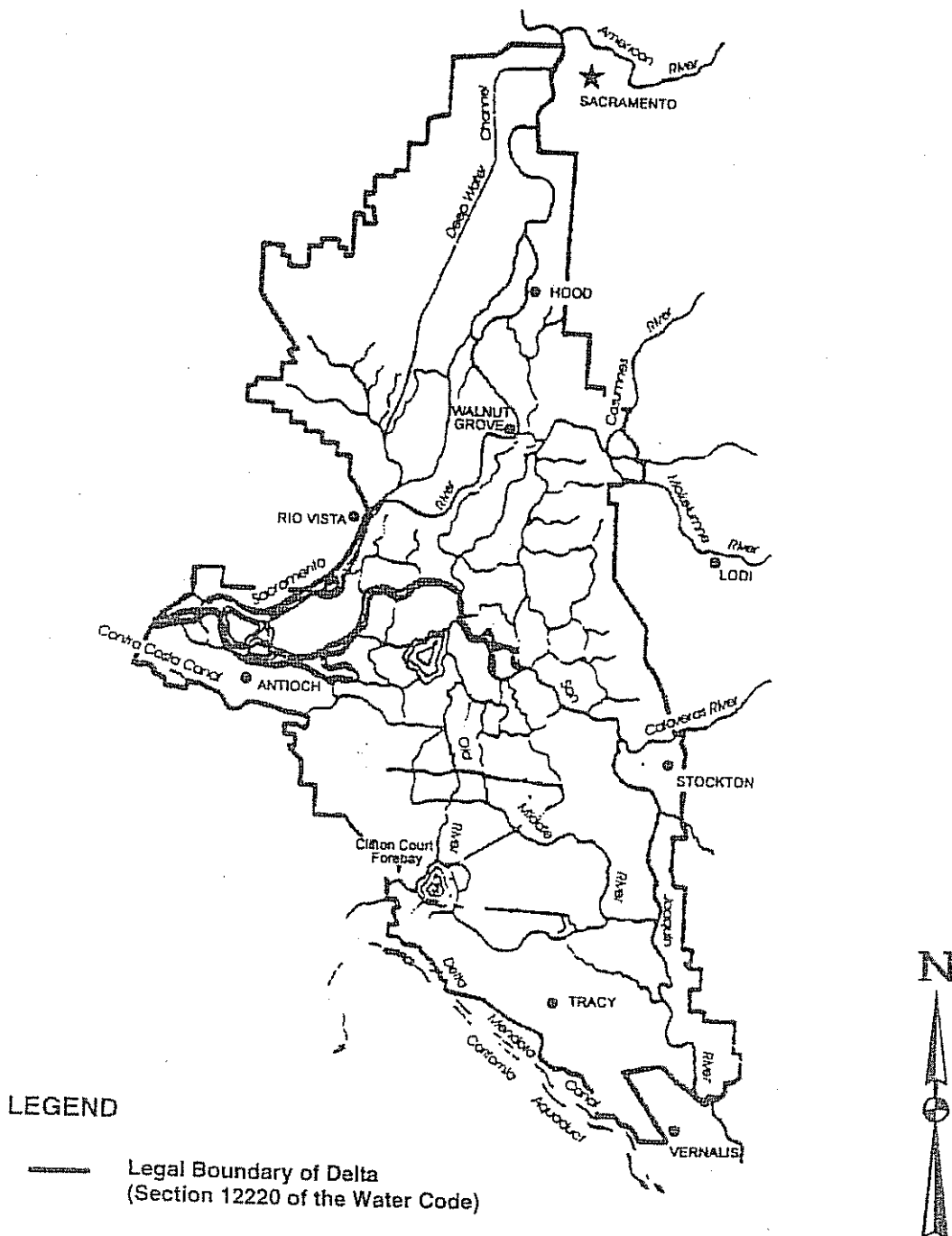
9. The Discharger shall notify the Regional Water Board when the dredging project is complete, so that the Notice of Applicability may be withdrawn and the Discharger removed from coverage by this General Order.
10. The Discharger shall immediately notify the Regional Water Board by telephone whenever a violation or an adverse condition occurs as a result of the dredging and disposal operation or the discharge of effluent. Written confirmation shall follow within two (2) weeks. An "adverse condition" is defined as any action or incident that may result in a risk to public health and safety, condition of nuisance, violation of water quality standards or violation of other conditions of this General Order.
11. The Discharger shall not alternate any material or change the character, location, or volume of the discharge as described in the RWD.
12. The Discharger shall comply with all conditions of this General Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action, or imposing civil monetary liability, or in revision or rescission of the Notice of Applicability. The Regional Water Board considers the Discharger to have continuing responsibility for correcting any problems which may arise in the future as a result of the dredging activities and of the subsequent use of the dredge material disposal sites.
13. This General Order does not relieve the Discharger from the responsibility to obtain other necessary local, State, and Federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The discharger is responsible for meeting all requirements of the applicable Endangered Species Act.
14. A copy of this General Order and the Notice of Applicability shall be kept as a reference for dredging operation personnel. Key operating personnel shall be familiar with their contents.

15. If the Regional Water Board adopts a site-specific individual waste discharge requirement order for a project authorized under this general order, the individual order automatically supersedes and voids the NOA.

I, PAMELA CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 13 August 2009.

A handwritten signature in cursive script, reading "Pamela C. Creedon", written over a horizontal line.

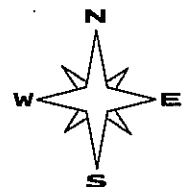
PAMELA C. CREEDON, Executive Officer



Drawing Reference:
Nicholas Anderson

Not to Scale

GENERAL WASTE DISCHARGE
REQUIREMENTS
FOR MAINTENANCE DREDGING OPERATIONS
SACRAMENTO-SAN JOAQUIN DELTA



pH-Dependent Effluent Limits for Ammonia
Criterion Maximum Concentration, Maximum 1-hour Average

pH	Ammonia Concentration Limit (mg N/l)
6.5	32.6
6.6	31.3
6.7	29.8
6.8	28.0
6.9	26.2
7.0	24.1
7.1	21.9
7.2	19.7
7.3	17.5
7.4	15.3
7.5	13.3
7.6	11.4
7.7	9.64
7.8	8.11
7.9	6.77
8.0	5.62
8.1	4.64
8.2	3.83
8.3	3.15
8.4	2.59
8.5	2.14
8.6	1.77
8.7	1.47
8.8	1.23
8.9	1.04
9.0	0.885

$$CMC_{\text{salmonids present}} = \left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}} \right)$$

Where: CMC = criteria maximum concentration

**Hardness-Dependent Effluent Limits for Copper
Criterion Maximum Concentration**

Hardness (mg/l as CaCO ₃)	Copper Concentration Limitation ^{1,2}
<25	Must Calculate
25	2.7
30	3.2
35	3.7
40	4.1
45	4.5
50	5.0
55	5.4
60	5.8
65	6.2
70	6.6
75	7.0
80	7.4
85	7.8
90	8.2
95	8.6
100	9.0
110	9.7
120	10 ²
130	10
140	10
150	10
160	10
170	10
180	10

¹ Criteria Maximum Concentration = $(e^{0.8545[\ln(\text{hardness})]} - 1.702) \times (0.960)$

² The Basin Plan contains a chemical constituent objective for copper of 10 µg/l in the Sacramento-San Joaquin Delta. For surface water that contains a hardness greater 120 mg/l as CaCO₃ the Basin Plan chemical constituent objective for copper shall apply.

Hardness-Dependent Effluent Limits for Lead
Criterion Maximum Nickel Concentration

Hardness (mg/L as CaCO ₃)	Lead Concentration Limitation ¹ (u g / L)
< 25	use formula
25	0.54
30	0.69
35	0.84
40	0.99
45	1.2
50	1.3
55	1.5
60	1.7
65	1.8
70	2.0 ²
75	2.0
80	2.0

$$CMC = (EXP(1.273 * LN(hardness) - 4.705))$$

Where: CMC = criteria maximum concentration

¹Concentrations are expressed as total recoverable lead.

²For surface water that has hardness greater than 70 mg/l as CaCO₃, the concentration of lead shall not exceed 2.0 µg/l .

Hardness-Dependent Effluent Limits for Nickel
Criterion Maximum Nickel Concentration

Hardness (mg/L as CaCO ₃)	Nickel Concentration Limitation ¹ (u g / L)
< 25	use formula
25	16
30	19
35	21
40	24
45	27
50	29
55	31
60	34
65	36
70	39
75	41
80	43
85	45
90	48
95	50
100	52
110	57
120	61
130	65
140	69
150	74
160	78
170	82
>180	use formula

$$CMC = (EXP(0.846 * LN(hardness) + 0.0584))$$

Where: CMC = criteria maximum concentration

¹Concentrations are expressed as total recoverable nickel.

**Hardness-Dependent Effluent Limits for Zinc
Criterion Maximum Concentration**

Hardness (mg/l as CaCO ₃)	Dissolved Zinc Concentration Limitation ^{1,2,3}
< 25	use formula
25	36
30	43
35	49
40	54
45	60
50	66
55	71
60	77
65	82
70	87
75	93
80	98
85	100 ²
90	100
95	100
100	100

¹ Criteria Maximum Concentration = $(e^{0.8473[\ln(\text{hardness})]} + 0.884) \times (0.986)$

² The Basin Plan contains a chemical constituent objective for zinc of 100 µg/l in the Sacramento-San Joaquin Delta. For surface water that contains a hardness greater 85 mg/l as CaCO₃ the Basin Plan chemical constituent objective for zinc shall apply.

³ Concentrations are expressed as dissolved zinc.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. R5-2009-0085
FOR
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR MAINTENANCE DREDGING OPERATIONS
SACRAMENTO-SAN JOAQUIN DELTA
(GENERAL ORDER)

This Monitoring and Reporting Program (MRP) describes requirements for monitoring dredging operations, dewatering facilities, dredged materials, effluent, and receiving waters in accordance with the requirements of the General Order. This MRP is issued pursuant to Water Code Section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer. Regional Water Board staff shall approve specific sample station locations prior to implementation of sampling activities.

All samples should be representative of the volume and nature of the discharge or matrix of material sampled. The time, date, and location of each grab sample shall be recorded on the sample chain of custody form.

Field test instruments (such as those used to test pH, turbidity, and dissolved oxygen) may be used provided that:

1. The operator is trained in proper use and maintenance of the instruments;
2. The instruments are calibrated daily or according to manufacturer specifications;
3. Instruments are serviced and/or calibrated by the manufacturer at the recommended frequency; and
4. Field calibration reports are submitted as described in the "Reporting" section of this MRP.

In the event that any turbidity measurements exceed the limits specified in Section F(3) of this General Order, dredging operations and/or discharge shall cease immediately, and an additional water sample shall be taken immediately at the point of exceedance. This sample shall be analyzed for toxicity with an acute toxicity bioassay and the results reported to the Regional Water Board. The report of turbidity exceedance and steps taken to comply with the provisions of this Order shall be reported immediately by phone, fax or email to the Regional Water Board. Dredging and/or discharge shall be suspended until turbidity levels return to levels in compliance with Section F(3) of this General Order, or as otherwise instructed by the Regional Water Board.

DREDGE OPERATION MONITORING

Sampling, described in the Dredge Operation Monitoring Table of this MRP, shall be conducted anytime dredging operations are performed including site preparation and debris removal. Grab samples shall be taken at approximately 2/3 of the total depth of the water body and shall be taken from the following stations:

<u>Station</u>	<u>Description</u>
R-1	In an area up current and undisturbed by the dredging operation, not to exceed 300 feet from the dredge operation.
R-2	Within 300 feet down current of the dredge suction head or clamshell.

Other monitoring points may be required at the dredge site if the pre-dredge analysis shows contaminants of concern may have the potential to cause toxicity at the dredge site. Samples shall be collected and analyzed from Stations R-1 and R-2 as follows:

DREDGE OPERATION MONITORING TABLE

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency¹</u>
Dissolved Oxygen	mg/l	Grab/field Meter	Twice Daily
Temperature	°F or °C	Field Meter	Twice Daily
pH	Standard units	Grab/field Meter	Twice Daily
Turbidity	NTU	Field Meter	Twice Daily

¹. Samples shall be collected 2x per day, no less than 8 hours apart. A final sample shall be collected immediately before or after dredging operations have ceased each day.

DEWATERING FACILITY MONITORING

For hydraulic dredging operations that include placement of dredged slurry in settling ponds, monitoring shall commence immediately after dredged material and/or slurry water is initially discharged into the dewatering facility. Monitoring shall continue until the settling ponds are free of water². Also, sampling shall occur in settling ponds whenever standing water is present for more than one week. Any ponded water shall be sampled for the parameters specified below:

DEWATERING FACILITY MONITORING TABLE

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Freeboard	0.1 feet	Measurement	Daily ¹
Odors	--	Observation	Daily ¹
Dissolved Oxygen ^{2,3}	mg/l	Grab/Field Meter	Weekly
pH ²	Standard units	Grab/Field Meter	Weekly

Levee condition ⁴	--	Observation	Weekly
Electrical Conductivity ²	umhos/cm	Grab/Field Meter	Weekly

¹ Inspections for freeboard measurements and odors shall be performed daily during the normal business week (i.e. Monday through Friday).

² Samples shall be collected at a depth of one foot (or at mid-depth when water level is less than one foot) from each pond in use, opposite the inlet. DO samples shall be collected between 7:00 and 9:00 am. Monitoring for dissolved oxygen, pH and EC may cease when ponded water depth is less than 0.5 feet.

³ If odors are detected during the daily site inspection, then the Discharger shall conduct daily monitoring for dissolved oxygen until the odors are abated, and immediate notification shall be provided to the Regional Water Board.

⁴ Containment levees shall be observed for signs of seepage or surfacing water along the exterior toe of the levees. If surfacing water is found, then a sample shall be collected and tested for pH and total dissolved solids.

INTAKE WATER MONITORING

If effluent water from a dredged material dewatering facility is discharged back to surface waters, and Intake Water Credits are authorized in the Notice of Applicability (NOA), then intake water monitoring is required. In order to determine ambient background concentrations, monitoring shall conform to specifications contained in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), Section 1.43.

EFFLUENT MONITORING

If effluent discharge to receiving waters occurs from the dewatering/settling ponds, the effluent from the dewatering/settling ponds shall be monitored at the overflow weir or discharge pipe during discharge to the receiving waters. Samples shall be representative of the volume and nature of the discharge. Initial sampling shall be conducted within 1 hour of the initiation of discharge. Effluent monitoring shall include the following:

EFFLUENT MONITORING TABLE

<u>Constituents</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency¹</u>
Flow	mgd	Meter	Continuous
Turbidity	NTU	Meter	Daily
pH	Standard units	Grab/meter	Daily
Temperature	°F or °C	Grab/meter	Daily
Dissolved Oxygen	mg/l	Grab/meter	Daily
Electrical Conductivity ²	umhos/cm	Grab/meter	Daily

¹ Except for pH and temperature, grab samples shall not be collected at the same time each day.

² Electrical conductivity measurements shall be reported at 25 degrees Celsius.

In addition to the monitoring described in the Effluent Monitoring Table, additional constituents of concern may be identified by the Regional Water Board staff after reviewing the pre-dredge sediment and elutriate analysis. The Notice of Applicability will include a list of any further constituents of concern to be monitored, and the required sampling protocol.

RECEIVING WATER MONITORING

The Discharger shall conduct receiving water monitoring when discharging effluent to surface waters. If no effluent is discharged, then receiving water monitor does not need to be performed. Receiving water monitoring stations are located as follows:

<u>Station</u>	<u>Description</u>
R-3	Up current of the discharge location and undisturbed by the effluent discharge. Not to exceed 300 feet upstream from the point of discharge.
R-4	Within 100 feet down current of the point of discharge.

Receiving water monitoring shall include at least the following:

RECEIVING WATER MONITORING TABLE

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Dissolved Oxygen	mg/l	Grab/field meter	Daily
Temperature	°F or °C	Measurement	Daily
pH	Standard units	Grab/field meter	Daily
Turbidity	NTU	Meter	Daily

In addition to the monitoring described in the Receiving Water Monitoring Table, additional constituents of concern may be identified by the Regional Water Board staff after reviewing the pre-dredge analysis and project application. The Notice of Applicability will include a list of any further constituents of concern to be monitored, and the required sampling protocol.

When conducting the receiving water sampling, a log shall be kept of the receiving water conditions. Notes on receiving water conditions shall be summarized in the monitoring report.

Attention shall be given to the presence or absence of:

- | | |
|---------------------------------|--|
| a. Floating or suspended matter | e. Visible films, sheens, or coatings |
| b. Discoloration | f. Fungi, slimes, or objectionable growths |
| c. Bottom deposits | g. Potential nuisance conditions |
| d. Aquatic life | h. Flow Direction |
| | i. Upstream Conditions |

DREDGE MATERIAL REUSE MONITORING

The discharger shall be required to implement a monitoring program for reuse applications that have a significant potential for impacting water quality either through surface erosion and/or leaching to groundwater. As required, monitoring for erosion shall continue until the Discharger has demonstrated that erosion control measures have adequately stabilized the placed dredged material.

REPORTING

The specified parameters shall be monitored as previously described, and reported at a minimum of once per month, with violations reported to the Regional Water Board Staff within 2 hours of the discovery of the violation. This violation notification to Regional Water Board can be done by either telephone or e-mail. Written confirmation and description of the violation shall follow within 2 weeks.

If the project is in operation and/or monitoring is required for more than one month, Monthly Monitoring Reports shall be submitted to the Regional Water Board Staff no later than 15 days from the end of the month in which monitoring is conducted.

Monthly Monitoring Reports shall include:

- 1 The date, time, manner, and exact place of sampling;
- 2 The name of person(s) taking samples;
- 3 The dates of sample analyses (if any) and the person(s) performing the analyses;
- 4 The analytical methods used;
- 5 The results of the analyses;
- 6 A comparison of monitoring data to the discharge specifications and an explanation of any violation of those requirements;
- 7 Copies of any laboratory analytical report(s); and
- 8 Calibration logs verifying calibration of all hand-held monitoring instruments and devices used to comply with the prescribed monitoring program.

In reporting monitoring data, the Discharger shall arrange the data such that the date, sample type (e.g., effluent, equalization basin, etc.), and reported analytical result for each sample are readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with waste discharge requirements and spatial or temporal trends, as applicable. The results of any monitoring done more frequently than required at the locations specified in the MRP shall be reported to the Regional Board.

A letter transmitting the self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period, and actions taken or planned for correcting noted violations, such as operation or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain the penalty

of perjury statement by the Discharger, or the Discharger's authorized agent, as described in the Standard Provisions General Reporting Requirements Section B.3.

The Discharger shall implement the above monitoring program as of the date of this Order.

Ordered by:



PAMELA C. CREEDON, Executive Officer

13 August 2009

(Date)