



California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams
Acting Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

4 March 2011

Mr. Mark Seedall
Contra Costa Water District
P.O. Box H2O
Concord, CA 94524-2099

CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE LOS VAQUEROS RESERVOIR EXPANSION PROJECT (WDID#5B07CR00120), BRYON, CONTRA COSTA COUNTY

This Order responds to your 11 October 2010 application submittal for the Water Quality Certification of a reservoir expansion project which will permanently impact approximately 5.84 acres of waters of the United States.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. This Certification is valid for the duration of the described project. This Certification is no longer valid if the project (as currently described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.

- (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
- (c) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification, whether written or implied:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:

In addition to the above standard conditions, Contra Costa Water District shall satisfy the following:

1. Contra Costa Water District shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities. The notification should include the name of the project and the WDID number, and should be sent to the Central Valley Water Board contact person shown on page 5 of this Certification.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. All areas disturbed by project activities shall be protected from washout or erosion.
4. Contra Costa Water District shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
5. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working during all phases of construction.
6. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.

7. Contra Costa Water District shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above
Visible construction related pollutants	Observations	Visual Inspections	Continuous throughout the construction period

8. Activities shall not cause turbidity increases in surface water to exceed:

- (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
- (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be assessed by prior permission of the Central Valley Water Board.

9. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.

10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. Contra Costa Water District shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.

11. Contra Costa Water District shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.

12. Contra Costa Water District shall comply with all California Department of Fish and Game requirements for the project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project Area.
14. Contra Costa Water District must obtain coverage under, and comply with all conditions of, the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board any project disturbing an area of 1 acre or greater.
15. The Conditions in this Certification are based on the information in the attached "Project Information." If the information in the attached Project Information Sheet is modified or the project changes, this Certification is no longer valid until amended by the Central Valley Water Board.
16. The mitigation measures specified in the approved Environmental Impact Report for the project, as they pertain to biology, hydrology and water quality impacts, are included in this Certification, as required by California Public Resource Code Section 21081.6 and CEQA Guidelines, California Code of Regulations Section 15097.
17. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State and Federal law. The applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
 - (a) If Contra Costa Water District or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil, for each day of violation, or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require Contra Costa Water District to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) Contra Costa Water District shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.
18. Contra Costa Water District must implement all on-site and off-site compensatory mitigation and monitoring measures specified in the January 2011 Draft Compensatory Mitigation Plan, with any modifications required for approval by the US Army Corps of Engineers. The on-site mitigation measures shall be monitored for a period of 10-years, and annual monitoring reports must be submitted to the Central Valley Water Board. After

the final annual monitoring report has been reviewed by the Central Valley Water Board, the Central Valley Water Board will provide written approval in determining whether the proposed project met the mitigation goals and success criteria.

19. Contra Costa Water District shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project's description (and any amendments approved). The NOC shall include a map of the project location(s), including final boundaries of any in situ restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

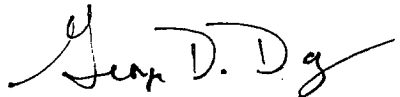
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Daniel Worth, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114
dworth@waterboards.ca.gov
(916) 464-4709

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Contra Costa Water District, Los Vaqueros Reservoir Expansion Project (WDID# 5B07CR00120) will comply with the applicable provisions of §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") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with Contra Costa Water District's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised September 2009.


(for) Pamela C. Creedon
Executive Officer

Enclosure: Project Information

DJB: wrb/knr

cc: See Attached List

cc: Mr. William Guthrie, U.S. Army Corp of Engineers, Sacramento
U.S. Fish and Wildlife Service, Sacramento
Mr. Kent Smith, Department of Fish and Game, Region 2, Rancho Cordova
Mr. Bill Jennings, CALSPA, Stockton
Ms. Emily Bacchini, Environmental Science Associates, Sacramento

cc by email: Mr. Dave Smith, U.S. EPA, Region 9, San Francisco
Mr. Bill Orme, SWRCB, Certification Unit, Sacramento

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PROJECT INFORMATION

Application Date: 11 October 2010

Applicant: Mark Seedall
Contra Costa Water District
P.O. Box H2O
Concord, CA 94524-2099

Applicant Representative: Ms. Emily Bacchini
Environmental Science Associates
2600 Capitol Ave., Suite 200
Sacramento 95816

Project Name: Los Vaqueros Reservoir Expansion Project

Application Number: WDID No. 5B07CR00120

Type of Project: Los Vaqueros Reservoir Expansion

Approximate Timeframe of Project Implementation: Construction is estimated to take 18-24 months, beginning March 2011 with the construction contract providing for schedule contingencies through September 2013.

Project Location: Section 12, 18 & 33, Township 01 South, Range 02 & 03 East, MDB&M.
Latitude: 37°49'10.9" and Longitude: -121°44'20"

County: Contra Costa

Receiving Water(s) (hydrologic unit): Kellogg Creek and Los Vaqueros Reservoir,
San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Wetlands, Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised September 2009 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD). A comprehensive and specific list of the Beneficial Uses applicable for the project area can be found at:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Project Description (purpose/goal): Contra Costa Water District is proposing to expand its water storage at the existing 100 thousand acre feet (TAF) Los Vaqueros Reservoir to 160 TAF. The primary objectives for the project are to develop water supplies for environmental water management, and to increase water supply reliability for Bay Area water providers. The secondary objective is to improve the quality of water deliveries to municipal and industrial customers in the San Francisco Bay Area,

The expansion of the reservoir to 160 TAF will raise the water surface level 35 feet for a maximum reservoir water surface elevation of 507 feet above mean sea level. Under the project, the reservoir inundation area will increase approximately 340 acres from 1,500 acres to 1,840 acres. Under existing water rights, existing facilities will be used to transfer water to an upgraded transfer facility, and then to the Los Vaqueros Reservoir. Minor upgrades to the existing pumps at the Transfer Facility will be required, but no new intake or pipelines will be constructed and all work will be conducted within the existing site.

The project will involve raising the dam, modifying appurtenant facilities including the spillway, the inlet/outlet works, and the reservoir oxygenation system, and relocating or replacing recreational facilities affected by inundation from the expanded reservoir.

The existing dam footprint will be slightly modified by raising the dam. The dam will be raised by building on top of the existing shell, mainly on the downstream side. The existing vertical central core and filter/drainage system will be raised and the dam axis will move about 20 feet downstream. Construction of the new embankment will add approximately 1 million cubic yards of fill to the current fill of 2.8 million cubic yards, for a total of approximately 3.8 million cubic yards of embankment fill. Although the reservoir will remain in operation through most of the construction, reservoir drawdown of about 50 TAF may be necessary.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: Contra Costa Water District will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.

Contra Costa Water District will conduct turbidity and settleable matter testing during in-water work, stopping work if the Basin Plan criteria are exceeded or are observed.

Contra Costa Water District will maintain a 100-foot vegetated or engineered buffer between the construction zone and any surface water bodies and/or drainages (excluding work permitted within these areas).

Fill/Excavation Area: Project implementation will permanently impact 2.52 acres of jurisdictional wetlands, 1.26 acres of reservoir, and 2.05 acres of un-vegetated streambed, will and temporarily impact 0.01 acres of jurisdictional wetlands and 0.02 acres of un-vegetated streambed.

Dredge Volume: None

U.S. Army Corps File Number: SPK-1990-00070

U.S. Army Corps of Engineers Permit Number: Individual Permit

Department of Fish and Game Streambed Alteration Agreement: applied for a Streambed Alteration Agreement in October 2010. Lake & Streambed Alteration Agreement Number: 1600-2010-0346-R3

Possible Listed Species: California tiger salamander, valley elderberry longhorn beetle (VELB), California red-legged frog, Alameda whipsnake, and San Joaquin kit fox.

Status of CEQA Compliance: Contra Costa Water District approved the Environmental Impact Report and filed a Notice of Determination on 31 March 2010 (State Clearinghouse Number 2006012037).

As a Responsible Agency under California Environmental Quality Act (CEQA), the Central Valley Water Board reviewed the Environmental Impact Report and found that impacts to water quality were adequately addressed. Through implementation of Low Impact Development measures and mitigation at a minimum 1:1 ratio level, impacts to water quality will be mitigated to a less than significant level. Mitigation for impacts to water quality is discussed in the "Proposed Mitigation to Address Concerns" section above, and the "Compensatory Mitigation" section below.

Compensatory Mitigation: Contra Costa Water District must comply with the U.S. Army Corps of Engineers' requirements for compensatory mitigation for the impacts to jurisdictional water. To offset permanent impacts to wetlands and other waters of the U.S. and ensure there is no net loss of wetland habitat, Contra Costa Water District will restore and create habitat both within and outside of the Los Vaqueros watershed.

Approximately 4 acres of hydrologically self-sustaining seasonal wetlands will be created in the Los Vaqueros watershed at the site of the primary core borrow area. The remaining portions of the borrow area will be restored to grassland. On-site mitigation will also include restoration of approximately 3,000 linear feet along Kellogg Creek

Off-site mitigation includes the acquisition of a minimum of 4,890 acres of habitat in Contra Costa, Alameda, and San Joaquin Counties, with a minimum of 1,388 acres in Contra Costa County. The mitigation lands are primarily grasslands, but also contain oak woodland, scrub, stream, and wetland habitat. Off-site mitigation will also include restoration of approximately 0.68 acre of seasonal wetland habitat and restoration of approximately 0.6 acre of freshwater permanent emergent wetland habitat.

Application Fee Provided: Total fees of \$40,000 have been submitted to the Central Valley Water Board as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e).