DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Eco Services Operations Corp.

PERMIT NO.: Regional General Permit (RGP) No. 31 (Corps File No. SPN-2002-267760)

ISSUING OFFICE: San Francisco District

NOTE: 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.

You are authorized to perform work in accordance with the terms and conditions specified below:

PROJECT DESCRIPTION:

The Peyton Slough Remediation Maintenance Regional General Permit consists of planned and as-need maintenance activities to maintain the integrity of the completed Peyton Slough Remediation Project ("Remediation Project") over the next five years. The Remediation Project was implemented to remediate legacy copper and zinc contamination by-products of prior industrial processes at the site per Regional Water Quality Control Board order (RWQCB Order No. 01-094). The completed Remediation Project dredged contaminated sediments from the old Peyton Slough, filled and capped the slough and dredged a new slough parallel to, and approximately 400 feet east of, the original Peyton Slough. An armored bulkhead was installed to protect the remediation cap, but over the last 10 years ongoing erosion has threatened the cap.

The Maintenance activities will include installation of erosion control measures to protect the remediated slough cap, and other as-needed settlement fill, erosion and head-cut repair, drainage ditch cuts, and levee and berm maintenance. These maintenance activities are proposed to be authorized and implemented as needed during the expected 5-year duration of the regional general permit. Levee road repairs would not cause discharge into waters or wetlands and no work is anticipated for the North Bulkhead, South Bulkhead, Carquinez Strait shoreline, or Peyton Slough tide gate as part of this regional general permit. All maintenance activities will be reviewed and authorized by the Corps before implementation.

PROJECT LOCATION: The project is located at 100 Mococo Road in the City of Martinez, Contra Costa County, California (38.0319°N, 122.1108°W). The area is east of the Benicia-Martinez Bridge and west of Peyton Slough, between Carquinez Strait and Waterfront Road and adjacent to Eco Services' Sulfuric Acid Regeneration Plant (Enclosure 1).

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the authorized work ends on December 31, 2031. If you find that you need more time to complete the authorized activity, submit your request for a 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 this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with

General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

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 of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. You shall comply with all of the conditions specified in the water quality certification issued by the San Francisco Bay Regional Water Quality Control Board for this project on April 25, 2025, as special conditions to this permit. A copy of the water quality certification is provided (Enclosure 2).

6. You shall comply with all of the conditions specified in the coastal development permit issued by the San Francisco Bay Conservation and Development Commission (BCDC) under California's Coastal Zone Management Act for this project original issued on February 28, 2003, and most recently amended on September 19, 2025, as special conditions to this permit. A copy of the BCDC Permit where its Coastal Zone Management Act consistency determination is provided (Enclosure 3).

7. 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.

8. You must understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

SPECIAL CONDITIONS:

1. To remain exempt from the prohibitions of Section 9 of the Endangered Species Act, the non-discretionary Terms and Conditions for incidental take of the federally-listed salt marsh harvest mouse (*Reithrodontomys raviventris*) and Ridgway's rail (*Rallus obsoletus obsoletus*) shall be fully implemented as stipulated in the Biological Opinion entitled "Formal Consultation on the Peyton Slough Remediation Maintenance Project in Contra Costa County, California" (pages 9-11), issued by the U.S. Fish and Wildlife Service (USFWS) on July 22, 2019 (Enclosure 4). Project authorization under this permit is conditional upon compliance with the mandatory terms and conditions associated with incidental take. Failure to comply with the terms and conditions for incidental take, where a take of a federally-listed species occurs, would constitute an unauthorized take and non-compliance with the authorization for your project. The USFWS is, however, the authoritative federal agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.

2. The USFWS concurred with the determination that the project may affect, but is not likely to adversely affect, the federally-listed delta smelt (*Hypomesus transpacificus*) or its designated critical habitat. This concurrence was premised, in part, on project work restrictions and the description of the proposed action outlined in Enclosure 4. These work restrictions are incorporated as special conditions to the RGP to ensure unauthorized incidental take of species and loss of critical habitat do not occur.

3. The National Marine Fisheries Service (NMFS) concurred with the determination that the project may affect, but is not likely to adversely affect, the federally-listed Sacramento River winter-run evolutionarily significant unit (ESU) of Chinook salmon (*Oncorhynchus tshawytscha*) or its critical habitat, the Central Valley spring-run ESU of Chinook salmon (*O. tshawytscha*), the Central California Coast or California Central Valley distinct population segments (DPS) of steelhead (*Oncorhynchus mykiss*), or the southern DPS of North American green sturgeon (*Acipenser medirostris*) or its critical habitat. This concurrence was premised, in part, on project work restrictions and the description of the proposed action outlined in the letter of concurrence entitled "Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Peyton Slough Remediation and Long-Term Maintenance Project" (WCR-2017-6967), dated April 16, 2018 (Enclosure 5). These work restrictions are incorporated as special conditions to the RGP to ensure unauthorized incidental take of species and loss of critical habitat do not occur.

4. As needed maintenance activities within wetlands shall be restricted to the period between September 1 and January 31. As needed maintenance activities within wetlands may be proposed to be conducted outside of this work window but will require further consultation with resource agencies.

5. You shall submit proposed maintenance activities for the Corps review and authorization at least 60 days in advance through the Corps' national online application portal, Regulatory Request System (RRS): rrs.usace.army.mil, using the current Department of the Army application form ENG FORM 4345, with additional pages of supplementary information attached if needed. You shall not proceed with project activities until receiving the Corps' written notification to proceed.

6. To the extent practicable, construction equipment shall work from an upland site to minimize adding fill into wetlands or other waters of the U.S.

7. All construction work shall incorporate appropriate best management practices (BMPs), including stabilizing and seeding exposed upland slopes, to control and minimize bank erosion, sediment input, and turbidity in the affected waters of the U.S. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into any wetlands or other waters of the U.S.

8. A post-construction report shall be submitted no later than April 30 following the conclusion of permitted maintenance activities. The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and before and after photographs.

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. Section 403).
   (X) Section 404 of the Clean Water Act (33 U.S.C. Section 1344).
   ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. Section 1413).

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 project.

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. Reliance on Applicant's Data: 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. Reevaluation of Permit Decision: 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 Item 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 C.F.R. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. §§ 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

12/2/2025

Wahyet Li (DATE)
Eco Services Operations Corp.

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

Digitally signed by Katerina Galacatos
Date: 2025.12.04 06:21:05 -08'00'

December 4, 2025

Katerina Galacatos, Ph.D. (DATE)
South Branch Chief, Regulatory Division

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. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)