CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
ORDER NO. R2-2012-00XX

WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR:
NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT STREAM MAINTENANCE PROGRAM
NAPA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board), finds that:

1. The Napa County Flood Control and Water Conservation District (District) has applied to the Regional Water Board for authorization to implement its Stream Maintenance Program (SMP) for routine stream maintenance activities, including vegetation management, downed tree management, erosion protection and bank stabilization l, sediment and debris removal, minor maintenance, and habitat enhancement projects in streams within its maintenance jurisdiction. It is anticipated that routine maintenance activities will not only provide flood protection and maintain channel conveyance capacity but will also enhance and protect natural resources.
2. This Order applies to the District's stream maintenance activities conducted pursuant to the SMP within the Napa River watershed, which drains to San Pablo Bay and portions of the Suisun Creek watershed within Napa County that drain to Suisun Bay. This Order does not apply to stream maintenance activities conducted in the Lake Berryessa/Putah Creek watershed, which is under the jurisdiction of the Central Valley Regional Water Board. Therefore, all descriptions, findings, and provisions in this Order apply only to stream maintenance activities within the Napa River watershed.
3. The District developed a SMP Manual and appendices, dated May 2012, to guide implementation of the SMP. The SMP Manual describes an integrated approach for protection and enhancement of in-stream aquatic resources, while providing necessary flood conveyance capacity. The SMP Manual includes flood control channel maintenance activities, impact avoidance measures, best management practices (BMPs), program mitigation, program oversight and management, program-area resources, and a characterization of channels to be maintained.
4. On August 23, 2011, the District initially filed an application for Waste Discharge Requirements (WDRs) and Water Quality Certification (WQC) with the Regional Water Board which was subsequently updated on May XX, 2012.

SMP Description, Impacts, and Mitigation

5. The SMP covers four primary activities: vegetation management, downed tree management, erosion protection and bank stabilization, and sediment and debris removal. The District conducts these maintenance activities within District, Napa County or Napa City owned engineered flood control channels. In addition to these primary activities, the SMP also involves other minor maintenance activities and habitat enhancement projects.

These other minor (occurring less frequently) maintenance activities include replacing culverts, maintaining access roads and drainage ditches, and managing beaver activities. The SMP also includes a habitat protection and enhancement component that consists of a riparian planting program, in-stream habitat complexity enhancement, and in-stream gravel augmentation.

6. The District is responsible for maintenance of the 7.3 miles of flood control channels that it owns and for which it has maintenance easements. Many of these District-owned channels are engineered channels, often built by other agencies and deeded to the District. Although a few were designed and built to convey a specific design discharge (i.e. the 100-year flood event), most have no available specific discharge design. Most of these engineered channels were constructed with a trapezoidal cross-section with earthen banks and streambeds. However, some channels have sections with hardened banks and beds formed in rock or concrete. Bed and bank hardening typically occurs at or near road and culvert crossings to protect these structures. Typical maintenance activities in District-owned channels include vegetation thinning and pruning, grass mowing (maintenance roads), erosion protection and bank stabilization, sediment and debris removal, trash removal, exotic and invasive vegetation removal, and native tree and shrub planting.
7. The District performs maintenance on 4.2 miles of channels owned by Napa County on behalf of the County. Although the District conducts maintenance, it is not obligated to do so, or to maintain any specific level of hydraulic capacity. These channels are generally engineered channels or ditches, but also include some modified streams. County owned/District maintained channels include a portion of lower Salvador Creek, Maher-Trent Ditch, Sandra-Kathleen Ditch, and West Pueblo Ditch and Fagan Creek near the Napa County Airport. Typical maintenance activities in County-owned channels include vegetation thinning and pruning, grass mowing (maintenance roads), erosion protection and bank stabilization, sediment and debris removal, trash removal, exotic and invasive vegetation removal, and native tree and shrub planting.
8. The District responds to citizen and government alerts to potential flooding or erosion problems, and conducts annual creek and river surveys to assess and prioritize potential issues that can be addressed through maintenance. Through its periodic surveys the District can also identify illegal dumping activities or non-authorized streambed construction projects.
9. The District provides consultations and offers maintenance support for 1.5 miles of channels owned by other public entities such as neighboring towns or cities, and school districts upon request by the public entity owner. These channels include a section of lower Salvador Creek, portions of the Salvador Creek tributary, and a small reach of Camille Creek that are owned by the City of Napa. Maintenance activities, and the survey and maintenance prioritization process, described above for District and County owned channels apply to publicly owned channels as well.
10. The District has identified 26 miles of privately owned flood prone reaches of streams, generally within urban areas which it surveys regularly to monitor for potential problems. Identified problems are referred to the property owner and permission is requested prior to the District conducting any maintenance. Example of such channels include portions of

the Napa River and Sulpher Creek in northern Napa County, Hopper and Dry creeks in the Yountville region, and Browns Valley, Redwood, and some portions of Tulucay creeks in the City of Napa region. Maintenance activities are generally limited to vegetation and downed tree management, invasive species eradication, trash removal and consultations on erosion, and bank stabilization.

11. The remaining creeks in Napa County are privately owned creeks where District maintenance activities may only take place following a specific owner request and District staff evaluation of the request. District's maintenance work in these channels may typically involve clearing debris or vegetation management to address a flow obstruction or erosion concern.

12. Vegetation management refers to maintaining, trimming, mowing, and removal of vegetation that constricts flows within the flood control channels and other constructed flood control facilities. Vegetation management activities are conducted to maintain flow conveyance capacity, establish a canopy of riparian trees, and control invasive vegetation. Vegetation management and removal activities are relatively consistent from year to year, though locations change depending on recent vegetation growth and blockages. Vegetation management techniques include removal using non-mechanical methods, such as hand pruning and herbicides application. Heavy equipment is also used occasionally. On average, approximately 1,000 linear feet of vegetation management is conducted annually. No herbicides are applied directly to submerged vegetation in water. Herbicides are only applied above the high water line within channel banks. Vegetation management is performed year-round in a manner to prevent loss of habitat and erosion, and does not include clear cutting or wholesale removal of vegetation.

13. Downed tree management refers to the management of trees and large branches that naturally fall into stream channels to maintain channel capacity and minimize flow obstructions in channels. The District seeks to promote recruitment of woody debris in channels to benefit in-stream habitat. Therefore, the District's objective is to leave downed trees in place whenever possible to encourage the formation of channel features such as scour pools and slack water areas which are used by juvenile salmonids. However, if the tree or branch threatens flood conveyance capacity or channel stability, the District will modify the downed tree by trimming off branches or cutting it into smaller pieces. If further action is needed to ensure flood protection, the tree may be repositioned in the channel, such as moved from perpendicular to parallel to stream flow, or may be removed from the channel. Downed tree management is generally conducted during the dry season, but can occur year-round to prevent flooding or erosion.

14. Bank stabilization involves repairing stream banks where a weakened, unstable, or failing bank causes or threatens to cause damage to an adjacent property, creates excessive erosion, creates a public safety concern such as flooding or threatening roads, or impacts riparian habitat and other natural resources. The District's objective is to conduct bank stabilization in a preventative manner by planting exposed banks with appropriate native species. If a more engineered approach is needed, the District prefers to use biotechnical approaches. Biotechnical erosion controls incorporate live vegetation with other natural elements to provide structural stability to stream banks. Bank stabilization approaches include erosion control fabric with coir logs, brush mattresses, willow walls, encapsulated soil lifts, and crib walls. If no effective alternative is feasible due to the magnitude of the

hydraulic forces involved, or other land use or flooding constraints, then the District may use rock at the toe of stream bank, in combination with other stream bank stabilization measures, to repair an eroding stream bank. Individual bank stabilization projects covered under the SMP will not affect more than 100 contiguous linear feet of stream bank annually and are limited to biotechnical designs. The District has not included bigger projects in the SMP for which the District will need to obtain individual permits.

15. Sediment removal from channels maintained by the District occurs when sediment accumulates and significantly reduces the capacity of the channel and its ability to convey flood waters. Besides improving flow conveyance for flood management, sediment removal activities may provide other beneficial outcomes including improved fish passage, improved circulation and water quality, enhanced geomorphic functions, and improved aquatic habitat. The number of sediment removal projects undertaken annually and the quantity of sediment removed in a given year depends on past weather and hydrologic conditions, as well as the frequency and extent of past maintenance activities. Based on past activities, the District expects to conduct two to five sediment removal projects annually. For most sediment removal projects, excavators are used from the top-of-bank. For projects where the use of excavators from the top-of-bank is not possible, or would cause major vegetation impacts, sediment removal equipment may be used within the channel. For larger equipment, this may require the construction of temporary access ramps. Most commonly, the District needs to alleviate a specific flow concern at an individual crossing, culvert, or other in-channel facility that experiences regular sediment accumulation. Any sediment removal projects greater than 500 linear feet are subject to individual project permits.

16. The District conducts several other maintenance activities as part of their overall maintenance program. These other activities occur on a less frequent basis and include replacing culverts, maintaining access roads and drainage ditches, and managing blockages by beaver, which may use freshwater wetlands for cover, food, and hut or dam construction. Beaver activities are monitored as part of the annual stream reconnaissance surveys. When debris dams build up to a degree that adversely impacts a significant reach upstream and downstream, the District will trim branches and cut through long sections with a chain saw so the blockage will break up during the next large flow event. These other maintenance activities are conducted anywhere in the District's maintenance jurisdiction. The District anticipates performing two to three minor maintenance projects annually.

17. The District implements stream maintenance activities in an integrated stream management approach that involves protecting and enhancing existing in-stream resources while providing for flood conveyance capacity in the stream channels.

    a. The habitat protection and enhancement component consists of a riparian planting program, in-stream habitat complexity enhancement, and in-stream gravel augmentation. Riparian planting enhances habitat for wildlife using terrestrial riparian areas while providing shading, sources of organic matter and coarse woody debris, and water quality benefits to aquatic species. The District currently plants approximately 650 trees annually.

b. The District evaluates channels and maintenance sites for opportunities to enhance or develop in-stream complexity features within fish bearing streams. If a site is deemed appropriate, new in-stream complexity features can be integrated with gravel augmentation projects. The District implements two in-stream habitat complexity enhancement projects annually.

c. Gravel augmentation projects improve fish spawning and rearing habitat. Opportunities to augment gravel in non-tidal salmonid streams will be assessed annually. The District expects to implement up to three gravel augmentation projects annually.

18. The SMP Manual contains Sediment Sampling and Analysis Guidelines (Appendix D). These guidelines set forth requirements for sampling, analysis, and characterization, reuse and disposal of sediment removed as part of SMP activities. Sediment reuse or disposal options are based on the chemical quality of the sediment removed.

19. The District generates an annual total of 200 cubic yards of sediment and debris through its maintenance activities. Removed sediment and debris is reused, recycled or taken to appropriate disposal sites based on the quality and conditions of the collected sediment and debris. Disposal sites include two sites maintained in association with the U.S. Army Corps of Engineers (Army Corps) for dredging activities along the Napa River, namely the Edgerly Island Disposal Site and the Napa Sanitation District Imola Site. Sediment and debris may also be taken to the nearest landfill for disposal. Vegetative debris generated by maintenance activities are either chipped and left on-site, or taken to a local compost or mulch facility.

20. The following activities are not included in the SMP and therefore not covered in this Order: capital improvement projects, projects that would alter the designed flood conveyance capacity of a channel, sediment removal or dredging projects greater than 500 feet in length, maintenance of restoration projects outside of flood control channels for which maintenance and monitoring is performed under project-specific permits, maintenance of the Army Corps Napa River/Napa Creek Flood Protection Project, and emergency activities and procedures. A situation is considered an "emergency" if it is a sudden, unexpected occurrence involving a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. Emergencies include such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage (California Public Resources Code Section 21060.3).

21. Ground disturbing maintenance activities that occur in the channel below top-of-bank (including downed tree management, mechanized vegetation management, bank stabilization, and sediment removal) will take place during the low-flow or dry season (herein defined as June 15-October 31), unless an exception is granted. Exceptions may be made on a project-by-project basis with advance approval of federal and State regulatory agencies as appropriate. Herbicide applications, installation of in-stream habitat complexity features, and installation of gravel augmentation projects will also be conducted during the low-flow or dry season.

22. Non-ground disturbing work may be performed in the channel zone, but outside the low-flow channel, throughout the year. This includes hand removing non-native invasive

plant species, planting riparian vegetation, maintaining channel access roads for drainage and accessibility, conducting minor repairs of culverts, and managing beaver activities, provided there is no discharge of waste that may adversely impact water quality or beneficial uses. Debris removal by hand necessary to prevent flooding may also be performed throughout the year.

23. The District will conduct an annual inventory and assessment of the routinely maintained stream reaches in the County that describes water quality, geomorphology and habitat. Assessments will be updated periodically to reflect changes and progress in achieving the goals of the SMP. Understanding stream resources, their locations, and interactions is fundamental to the District's approach to avoid, minimize and mitigate environmental impacts of routine maintenance activities. The District developed these channel characterizations to provide enough detail and photo documentation to support the annual review and approval of maintenance projects.

24. The SMP Manual includes the District's planning guidelines or principles to determine the essential routine maintenance activities that will be included in the Annual Workplans. These principles consider the natural function of the system, provide an understanding of local physical constraints, identify sensitive habitats, consider watershed processes, determine when action is needed, identify maintenance activities needed, and strive to recognize and implement solutions to minimize the on-going need for maintenance activities. Each stream reach is evaluated within its sub-basin and watershed context, and key maintenance considerations and environmental enhancement opportunities are summarized in the Annual Workplans.

25. The District has included in the SMP Manual an approach that minimizes detrimental impacts to beneficial uses. In the SMP Manual, the District proposes activities that will result in long-term beneficial effects on riparian and aquatic habitat for a suite of fish and wildlife species. Strategic sediment reduction activities, such as stabilization of landslide-prone areas and improved land use practices in upper watersheds and along reaches currently delivering sediment, will reduce the amount of sediment delivered to maintained channels. These benefits will be realized through the reduction of maintenance over time, the reduction in the need to conduct reach-scale sediment removal in creeks, the removal of migratory barriers or impediments, and the creation of more natural stream channels and stream corridors. When considered collectively, the beneficial effects achieved through implementation of the SMP will help build a healthier and more naturally functional stream network and watershed.

26. Although the Water Board agrees with the District determination that no significant environmental effects will result from implementation of the SMP, the less-than significant impacts on beneficial uses and water quality from SMP activities that cannot be entirely avoided through pre-maintenance planning will be mitigated through implementation of the mitigation measures and best management practices described within the SMP Manual.

27. The District will implement onsite and offsite mitigation to mitigate for the less-than significant permanent and temporary impacts from stream maintenance activities covered under this Order. Onsite in-kind mitigation will mitigate for the loss of stream functions and riparian habitat from sediment removal and bank stabilization projects as described in

the SMP Manual. Onsite in-kind mitigation may include planting of riparian trees, understory shrubs or aquatic plants, removal of exotic and invasive species and corresponding riparian planting, construction of low-flow channels and other geomorphic features to enhance in-stream habitat and hydrologic function, and removal of migration barriers. Additionally, if onsite in-kind mitigation is not possible, then offsite in-kind mitigation will be implemented at a location within the watershed area that would benefit from this type of mitigation. Permanent and temporary impacts will be mitigated off-site by restoring or enhancing habitat and stabilizing eroded areas within the same watershed. Off-site mitigation includes funding local watershed restoration projects within the impacted watershed that would increase riparian habitat and reduce the overall need to remove sediment in certain flood control channels.

28. This Order requires submittal of Annual Workplans acceptable to the Executive Officer by March 15 of each year. The Annual Workplans will describe the channel maintenance activities to be conducted during the upcoming maintenance season, including an assessment of potential permanent and temporary Project impacts, proposed habitat protection and enhancement projects, and the proposed mitigation and monitoring projects that would compensate for any unavoidable adverse impacts, as outlined in the SMP Manual and final California Environmental Quality Act (CEQA) compliance document. The Annual Workplans will describe the sediment reuse, recycled and disposal locations, site specific reuse or disposal criteria, and the test results from sampling sediments from proposed sediment removal projects.

29. This Order requires submittal of Annual Reports acceptable to the Executive Officer by January 31 of the following year. The Annual Reports will describe channel maintenance activities conducted, descriptions of mitigation implemented, and monitoring results. The Annual Reports will include any lessons learned and recommendations to update BMPs identified in the SMP Manual, if needed.

30. This Order requires that, after each maintenance season, the District and Regional Water Board staff meet to discuss the performance of the SMP, review lessons learned from the prior maintenance season, and determine the need to improve stream maintenance techniques and BMPs. The District shall implement all stream maintenance techniques and BMPs deemed necessary by the Executive Officer in connection with such review.

31. The County adopted on June 3, 2008, the "Napa County Post Construction Runoff Management Requirements" and will incorporate Low Impact Development (LID) principles and techniques into its SMP activities to the maximum extent practicable. Applicable LID activities may include installing/retrofitting stormwater/flood control basins and implementing stormwater treatment BMPs.

32. **California Wetlands Portal:** It has been determined through regional, state, and national studies that tracking of mitigation/restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. In addition, to effectively carry out the State's Wetlands Conservation Policy of no net loss to wetlands, the State needs to closely track both wetland losses and mitigation/restoration project success. Therefore, we require that the applicant use once annually the California Wetlands Form to provide all SMP information related to impacts and mitigation/restoration measures. An electronic copy of the form and instructions can

be downloaded at: http://www.waterboards.ca.gov/sanfranciscobay/certs.shtml. Project information concerning impacts and mitigation/restoration will be made available at the web link: http://www.californiawetlands.net.

33. This Order is effective only if the District pays all fees required under Title 23, California Code of Regulations (23 CCR).

Regulatory Framework

34. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes implementation plans to achieve water quality objectives. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law and U.S. Environmental Protection Agency, where required.

35. The Basin Plan lists the following existing and potential beneficial uses for surfaces waters within the Napa River watershed:

    a. Agricultural Supply (AGR)
    b. Cold Freshwater Habitat (COLD)
    c. Municipal and Domestic Supply (MUN)
    d. Fish Migration (MIGR)
    e. Fish Spawning (SPWN)
    f. Freshwater Replenishment (FRSH)
    g. Navigation (NAV)
    h. Non-contact Water Recreation (REC-2)
    i. Rare, Threatened, or Endangered Species (RARE)
    j. Water Contact Recreation (REC-1)
    k. Warm Freshwater Habitat (WARM)
    l. Wildlife Habitat (WILD)

    The District routinely conducts maintenance activities on the Napa River and other drainages within the Napa River watershed: Camille, Conn, Dry, Fagan, Hopper, Salvador, Sheehy, Sulpher, and Tulucay creeks; Beard and Solano ditches; the Yountville Outfall and Collector; and the Salvador Collector. Vegetation management, bank stabilization, and sediment removal activities covered by this Order may temporarily impact the beneficial uses identified above.

36. The Napa-Sonoma Valley (Napa Valley) and Napa-Sonoma Volcanic Highlands groundwater basins are located in the Napa River watershed area and support the beneficial uses listed below:

    a. Agricultural Water Supply (AGR)

b. Industrial Service Water Supply (IND)

c. Industrial Process Water Supply (PROC)

d. Municipal and Domestic Water Supply (MUN)

37. The Napa River is identified as impaired on the Clean Water Act (CWA) section 303(d) list by nutrients, pathogens, and sedimentation/siltation.

38. The Napa River drains into San Pablo Bay. San Pablo Bay is identified as impaired on the Clean Water Act section 303(d) list by chlordane, DDT, dieldrin, dioxin compounds, furan compounds, invasive species mercury, PCBs and selenium.

39. Suisun Creek is identified as impaired on the Clean Water Act section 303(d) list by low dissolved oxygen and temperature.

40. The California Environmental Quality Act requires all discretionary projects approved by public agencies to be in full compliance with CEQA, and requires a lead agency (in this case, the District) to prepare an appropriate environmental document for such projects. The District prepared and certified the Stream Maintenance Program Initial Study/Negative Declaration (IS/ND) on February 9, 2012, State Clearinghouse No. 2011122050. The IS/ND found no significant impacts that are under the purview and jurisdiction of the Regional Water Board: 1) aquatic species including habitat for special status species, 2) water quality, and 3) hazardous materials. The IS/ND also found that the mitigation measures would mitigate any remaining impacts to less than significant levels. The mitigation measures specified in the SMP Manual include a combination of compensatory mitigation and watershed-level project funding to mitigate for any temporary disturbance or loss of aquatic habitat and specific BMPs to mitigate for the remaining maintenance activity-related impacts.

41. The Regional Water Board, as a responsible agency under CEQA, has considered the IS/ND. The Regional Water Board finds that the proposed activities will not result in significant environmental effects. To the extent any activities potentially have less-than-significant effects on water quality, the Regional Water Board finds that further mitigation measures specified in the SMP Manual and additional monitoring required by the Regional Water Board in this WDR/WQC will avoid or substantially lessen the effects on water quality, as discussed in the negative declaration. In adopting this WDR/WQC, the Regional Water Board has eliminated or substantially lessened the less-than-significant effects on water quality, and therefore approves the project. Overall, the Regional Water Board finds that the SMP will enhance and protect natural resources and the environment

42. The District's maintenance activities are consistent with activities administered and permitted by the U.S. Army Corps of Engineers Nationwide Permit Program. Specifically, when the District needs to conduct maintenance work below the ordinary high water mark (OHWM) of channels, such as with bank stabilization or sediment removal projects, the District will seek coverage under Nationwide Permits 3 (Maintenance), 13 (Bank Stabilization), 18 (Minor Discharges), 19 (Minor Dredging), 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities), and 43 (Stormwater Management Facilities).

43. Pursuant to 23 California Code of Regulations section 3857 and 3859, the Regional Water Board is issuing WDRs and WQC for the activities proposed in the SMP Manual.
44. The Regional Water Board has notified the District and interested parties of its intent to issue WDRs and WQC for the activities proposed in the SMP Manual.
45. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that, the Regional Water Board certifies that the Stream Maintenance Program described herein shall comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, provided that the District complies with the following terms and conditions:

A. Discharge Prohibitions

1. The direct or indirect discharge of wastes, as defined in Section 13050(d) of the Water Code (CWC), within or outside of the active project site, to surface waters or surface water drainage courses is prohibited, except as authorized in this Order.
2. The discharge shall not cause degradation of any water supply.
3. All vegetation management activities that could result in the runoff of pesticides, which are not registered for aquatic use, into waters of the State are prohibited.
4. Vegetation management activities that could result in the destabilization of stream banks or increase sediment input into waters of the State are prohibited.
5. Downed tree management activities that could result in the destabilization of stream banks or increase sediment input into waters of the State are prohibited.
6. Excavated sediment shall remain within designated disposal areas at all times. The designated disposal areas are: a) any offsite, authorized temporary or permanent location maintained in compliance with federal and State regulations, b) any onsite, authorized temporary or permanent location, provided material shall be isolated and contained to prevent impacts to waters of the State and their beneficial uses, or c) a permitted landfill.
7. The discharge of sediment and runoff or decant water from excavated materials disposed of at any temporary or permanent disposal site, to waters of the State, is prohibited.
8. The discharge of wastewater (effluent) into a channel, stream or groundwater resulting from the handling and placement of removed sediment at a temporary stockpile site (if used) is prohibited.
9. Habitat protection and enhancement activities that could result in the destabilization of stream banks or increase sediment input into waters of the State are prohibited.
10. Maintenance activities subject to these requirements shall not cause a condition of pollution or nuisance as defined in Water Code section 13050 (l) and (m), respectively.
11. Groundwater beneficial uses shall not be degraded as a result of the SMP.
12. No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material

shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State.

B. Discharge Specifications

1. Appropriate soil erosion control measures shall be undertaken and maintained to prevent discharge of sediment to surface waters or surface water drainage courses.
2. Excavated material shall be fully contained to prevent any transport by wind, surface runoff or erosion into waters of the State. At no point within the containment area shall the elevation of sediment exceed that of the containment levees.
3. In accordance with Water Code section 13260, the District shall file with the Regional Water Board a report of any material change in the character, location, or quantity of this waste discharge that is beyond the scope of this Order. Any proposed material change in the discharge requires approval by the Regional Water Board after a hearing under Water Code section 13263.
4. The District shall immediately, and in no case no later than within 24 hours of occurrence, notify the Regional Water Board staff by telephone or e-mail whenever an adverse condition occurs as a result of a discharge. An adverse condition includes, but is not limited to, a violation or threatened violation of the conditions of this Order, spill of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance. A written notification of the adverse condition shall be submitted to the Regional Water Board within five days of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to approval by the Executive Officer, for the remedial actions that follow any initial response to the adverse condition.

C. Receiving Water Limitations

1. SMP activities shall not cause the following conditions to exist in waters of the State at anyplace:
    a. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
    b. Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
    c. Waters shall not contain biostimulatory substances in concentration that promote aquatic growth to the extent that such growth cause nuisance or adversely affect beneficial uses.
    d. Waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

e. There shall be no alteration of temperature beyond present natural background levels.

f. Dissolved oxygen, with the following beneficial use designations, shall not be reduced below the following minimums in the receiving water from the point of discharge:

- WARM 5.0 mg/l minimum
- COLD 7.0 mg/l minimum

2. SMP activities shall not cause the following limits to be exceeded in waters of the State at any point:

a. *Dissolved Oxygen:*
5.0 (WARM) or 7.0 (COLD) mg/l minimum. When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.

b. *Dissolved Sulfide:*
All water shall be free from dissolved sulfide concentrations above natural background levels.

c. *pH:*
A variation of natural ambient pH by more than 0.5 pH units.

d. *Toxicity:*
All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.

e. *Un-ionized Ammonia:*
0.025 mg/L as N, annual median; and 0.16 mg/L as N, maximum.

f. *Salinity:*
The project shall not increase total dissolved solids or salinity to adversely affect beneficial uses.

g. *Turbidity:*
Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.

3. SMP activities shall not cause a violation of any particular water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted there under. If more stringent applicable water quality standards are promulgated or approved pursuant to Clean Water Act section 303, or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more stringent standards.

D. Provisions

Vegetation Management

1. The District shall follow the vegetation removal and management guidelines described in the SMP Manual.
2. Vegetation management and replanting shall be conducted using a strategy which maximizes the functions of the vegetation to shade the active channel, stabilize channel banks, and provide in stream habitat.

Downed Tree Management

3. The District shall follow the downed tree management guidelines described in the SMP Manual.
4. Downed tree management shall be conducted using a strategy which maximizes the functions of the vegetation to stabilize active channel banks and provide in stream habitat.
5. Downed tree management activities shall not adversely impact the riparian zone or habitat. Overall impacts of downed tree management activities shall improve beneficial uses.

Erosion Protection/Bank Stabilization

9. The District shall use the bank stabilization methods described in the SMP Manual. Any minor changes to the bank repair methods that still meet the overall criteria and function of the methods described in this WDR/WQC and the SMP shall be proposed in the Annual Workplans and approved in writing by the Water Board Executive.
10. The use of soil bioengineering systems as presented in the Natural Resource Conservation Service (NRCS) and Army Corps manuals shall be used as the first and primary strategy for streambank stabilization projects. Rock and riprap installation shall be limited to only those areas experiencing shear stresses that exceed the performance of vegetation based soil bioengineering systems as designated in NRCS and Army Corps shear stress tables[1].

Sediment and Debris Removal

11. The District shall follow the sediment and debris removal guidelines described in the SMP Manual.
12. Targeted and localized sediment removal in engineered channels shall occur in limited areas that do not exceed 500 linear feet of channel length.
13. The District shall implement the Sediment Sampling and Analysis Guidelines in the SMP Manual.

[1]Fischenich, J.C. (2001) Stability Thresholds for Stream Restoration Materials, EMRRP Technical Notes Collection (ERDC TNEMRRP-SR-29), U.S. Army Engineer Research and Development Center, U.S. Army Corps of Engineers, Vicksburg, MS.

Bentrup, Gary, J. Chris Hoag (1998) The Practical Streambank Bioengineering Guide, User's Guide for Natural Streambank Stabilization Techniques in the Arid and Semi-Arid Great basin and Intermountain West, USDA NRCS, Was. D.C

14. The District may temporarily stockpile excavated sediment prior to disposal or reuse, provided that appropriate State and federal regulations are met and BMPs are implemented to protect water quality and beneficial uses. The excavated sediment may be stockpiled onsite within engineered containment areas so that it can be loaded into trucks for offsite disposal within three working days. The excavated sediment may also be temporarily stockpiled at an offsite location so that runoff, sediment, or decant water from the excavated materials shall not contact waters of the State.

15. Sediment removed as part of maintenance activities shall be properly characterized through laboratory analytical testing, as described in the approved Sediment Sampling and Analysis Guidelines (Appendix D of the SMP Manual) , and be hauled offsite to suitable upland disposal sites, including the Edgerly Island Disposal Site and the Napa Sanitation District Imola Site. Sediment and debris may also be taken to the nearest landfill for disposal. Vegetative debris generated by maintenance activities are either chipped and left on-site, or taken to a local compost or mulch facility. Proposed disposal locations shall be submitted by the District annually in the Annual Workplans for approval by the Water Board Executive Officer.

16. The District will test sediment targeted for removal to determine the suitability for disposal or reuse based on sediment chemistry. Sampling frequency shall follow the *Guidelines for Implementing the Inland Testing Manual in the San Francisco Bay Region* (DMMO, September 2001). As specified in Appendix D of the SMP Manual, the Sediment Sampling and Analysis Guidelines, sediment samples will be collected and analyzed according to the *Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines* (RWQCB 2000), as appropriate for the proposed disposal or reuse site. Sediment testing results will be submitted to the Regional Water Board for review and approval. Sediment disposal and reuse sites are identified when the need for sediment removal activities occurs; which may not be necessary every year. In general, sediment disposal sites can be characterized into five categories based on potential reuse or disposal opportunities. These categories include (1) on-site reuse, (2) other wetland, channel, or floodplain restoration reuse, (3) upland agricultural or commercial reuse (dry), (4) landfill disposal, and (5) hazardous waste disposal. The goal is to select disposal options that most beneficially reuse the sediment with the least environmental effects. If hazardous levels of contaminants are present, the material will be taken to a permitted hazardous waste facility.

17. The District shall have equipment and supplies onsite (or readily available nearby) that could be deployed quickly to provide additional filtration if turbidity is observed.

18. All staging shall occur on adjacent access roads or previously disturbed areas. Soil and riprap shall be staged in areas that have been previously disturbed (e.g., service road, turnouts). If repair activities affect the active channel, the work area shall be effectively isolated from flowing stream segments using silt fences, wattles, or cofferdams, and restored to pre-project conditions after maintenance is complete.

19. The discharge of any hazardous, designated or non-hazardous waste as defined in Title 27 California Code of Regulations, Division 2, Subdivision 1, Chapter 2 shall be conducted in accordance with applicable State and federal regulations.

20. The District shall clean up, remove and relocate any wastes that are discharged in violation of this Order.

21. The District shall demonstrate compliance with all permitting and CEQA review requirements for offsite sediment disposal sites proposed for the SMP and for any alternative offsite sediment disposal sites. If requested by the Executive Officer, a delineation of existing jurisdictional waters of the State and United States at any temporary or permanent sediment disposal site, verified according to U.S. Army Corps of Engineers delineation standards, shall be conducted prior to the preparation for disposal and submitted for the Executive Officer's acceptance prior to the disposal of sediment.

Other Minor Maintenance Activities

21. The District shall follow the other minor maintenance activities guidelines described in the SMP Manual. .

22. Other stream maintenance activities shall not result in direct or cumulative significant impacts to water quality or beneficial uses of waters of the State.

23. Maintenance activities that may result in modifications to stream cross-sections and or profiles shall be implemented to achieve sustainable and appropriate channel geometries.

Habitat Protection and Enhancement

24. The District shall follow the habitat protection and enhancement guidelines described in the SMP Manual.

25. Habitat protection and enhancement activities shall not result in direct or cumulative significant adverse impacts to water quality or beneficial uses of waters of the State.

26. Habitat protection and enhancement activities shall be conducted using a strategy which maximizes the functions of the vegetation to shade the active channel, stabilize active channel banks, and provide in-stream habitat.

27. Habitat protection and enhancement activities shall not adversely impact the riparian zone, shade, canopy coverage, or habitat. Overall impacts of vegetation management activities shall improve beneficial uses.

Quantitative Assessments

28. The District shall develop a Workplan and an implementation schedule for developing channel capacity objectives and estimates of flood stage-discharge relationships. The development of this information will guide the selection of annual maintenance locations needed for flood protection as reported in the Annual Workplans. Channel dimension objectives that facilitate stream equilibrium conditions, address excessive erosion and deposition problems, and promote sustainable habitat conditions, shall be developed and used to guide channel grading and enhancements activities. The Workplan and its associated supporting documentation shall be submitted to the Regional Water Board by May 31, 2014 for approval by the Water Board Executive Officer. Specifically:

    a. The District shall develop roughness objectives for all major channels contained in the SMP Manual and determine the tolerance for loss of freeboard in engineered flood control channels.

b. The District shall provide preliminary estimates of stage–discharge relationships for channel reaches most likely subject to maintenance (including those areas and channels identified in the inventories for targeted and localized sediment and vegetation removal projects). These estimates should be based on field measurements. For those channels lacking sufficient high flow data, the District shall implement a program for developing stage-discharge relationships for larger magnitude flows.

c. The District shall develop estimates of channel dimensions for best establishing quasi-equilibrium conditions to avoid future excessive erosion of or deposition within an active channel. These dimensions can be established using a combination of information from regional stream restoration curves, reference reach data, computation of effective discharges, shear stresses and other assessments. These estimations of active channel dimensions should guide the management approaches contained in the maintenance plans and be used in implementing the maintenance activities in order to achieve more sustainable channel shapes and floodplains.

Best Management Practices

29. The District shall implement the BMPs contained within the SMP Manual, and the IS/ND (or alternative BMPs of comparable effectiveness) to prevent pollutants from draining, being washed, or otherwise discharging into waters of the State during SMP activities.

30. The District shall follow the procedures and protocols in the Fishnet 4C Manual when removing large woody debris for maintenance purposes[2]. Large woody debris shall not be removed or be managed in a channel if it potentially functions as habitat for salmonids or other threatened and endangered species. If the large woody debris poses a credible risk of blocking a culvert, bridge, or otherwise obstructing flow, or causing structural damage, or destabilizing a channel, it may be relocated, repositioned or cabled to a stream bank in a manner to protect existing habitat. For channels designated by the SMP to not have potential salmonid or other threatened and endangered species habitat, large woody debris can be immediately removed or relocated to a more suitable location if the large woody debris is posing a significant and imminent threat of structural damage.

31. The District shall divert any flow at the site around the active maintenance areas in a non-erosive manner.

32. The District shall operate pumps/generators in locations where spills will not result in direct discharge to streams or other waters of the United States.

33. The District shall halt work activities if fish, amphibians or other aquatic organism are exhibiting stress or dead within 1,000 feet of work activity or discharge. The District shall immediately assign a qualified biologist to investigate the cause of the problem, to define an acceptable corrective action plan, and to determine if the cause is related to SMP activities. The District shall immediately report all incidents involving dead or stressed aquatic organisms, as well as prescribed action plans to Regional Water Board and California Department of Fish and Game (CDFG) staff.

[2]Fishnet 4C, MFG, Inc., Prunuske Chatham, Inc., Pacific Watershed Associates (2004) Guidelines For Protecting Aquatic Habitat and Salmon Fisheries for County Road Maintenance, prepared for Fishnet 4C Counties, California Department of Fish and Game, National Marine Fisheries Service, California Resources Agency.

Mitigation

34. The District shall implement the Mitigation Monitoring and Reporting Program included in the SMP Manual for all less-than significant effects on water quality that may result from activities under the SMP.

35. The District shall mitigate for both permanent and temporary impacts from its stream maintenance activities by implementing in-kind onsite mitigation, and shall only implement in-kind offsite mitigation if there is no opportunity to mitigate onsite.

36. The District shall mitigate for the temporal loss of beneficial uses by funding offsite watershed-level projects that would address watershed-level issues such as erosion to reduce the overall need to conduct stream maintenance activities.

37. Watershed mitigation projects may include such activities as headwater-area erosion control, revegetation of riparian corridors, invasive plant removal, or other stream restoration practices. Watershed-based mitigation shall provide restorative and mitigating watershed solutions by partnering with local private property owners, municipalities, restoration organizations, creek groups, schools, and resource conservation districts. Post-construction stormwater treatment/LID projects that are not required by the State Water Board's Phase II Municipal Stormwater Permit and provide improvements to water quality may be considered as watershed mitigation projects.

38. The District shall submit proposed mitigation sites to the Regional Water Board Executive Officer for approval as part of the Annual Workplans. In the event that a proposed mitigation activity is denied, or a site is rescinded for any reason, an alternative mitigation proposal that provides comparable levels of mitigation shall be submitted to the Water Board Executive Officer for concurrence no later than 90 days following denial or rescission. The District shall implement those alternative mitigation proposals that the Executive Officer has approved.

39. The District shall mitigate for impacts to water quality and beneficial uses from its vegetation management activities. Mitigation shall include revegetation with native vegetation, and other methods.

Monitoring and Reporting

40. The District shall monitor all active project sites according to the Monitoring and Reporting Program attached to this Order. All self-monitoring reports shall be submitted annually to the Regional Water Board as part of the Annual Reports.

41. The District shall submit the Annual Workplans that include information on the projects that will be conducted in the upcoming year. The District shall include in the Annual Workplans a list of proposed projects that would impact channels identified as potential habitat for threatened or endangered species, or providing habitat for different lifecycles for salmonids (i.e., migration, spawning, rearing, or refugia).

42. The District shall submit Annual Reports according to the process established in Chapter 10 of the SMP Manual.

43. The Annual Workplans shall be submitted by March 15 of each year. The Water Board Executive Officer will approve the Annual Workplans for that year's projects and provide

a notice to proceed, or indicate needed modifications to the Annual Workplans, within 30 days of receiving it.

44. The Annual Reports shall be submitted by January 31 of the following year. The Applicant is required to use the standard California Wetlands Form to provide all SMP information describing impacts and restoration measures. An electronic copy of the form can be downloaded at: http://www.waterboards.ca.gov/sanfranciscobay/certs.shtml. The completed form shall be submitted electronically to habitatdata@waterboards.ca.gov or shall be submitted as a hard copy to both (1) the Water Board (see the address on the letterhead), to the attention of California Wetlands Portal and (2) the San Francisco Estuary Institute, 4911 Central Avenue, Richmond, CA 94804, to the attention of Mike May;

45. The District shall submit the inventories noted below. The purpose of the inventories is to guide assessments and determine specific causes of maintenance problems and to develop priority maintenance prevention projects. Each inventory and its associated support documentation shall be submitted to and approved by the Water Board Executive Officer.

    a) An inventory of engineered channels shall be submitted with the 2014 Annual Workplans.

       A list of all areas and channels identified as engineered channels and all channels that are subject to routine maintenance activities including the specific location of the areas and channels identified.

    b) Inventories for the following types of projects shall be submitted with the Annual Workplans when these types of projects are included in the Annual Workplans.

        i. An inventory of targeted sediment and vegetation removal areas.

        ii. An inventory of localized sediment and vegetation removal areas where activities occur on an on-going basis. Localized projects that are newly-discovered and not listed in the inventory shall be included in the Annual Workplans for that year.

    c) The following inventories shall be submitted with the 2014 Annual Workplan:

        i. An inventory of the stream reaches with hydraulic constrictions (e.g., under-sized culverts, bridge abutments, railroad trestles, utility crossings, and other natural or human caused obstructions) potentially causing backwater conditions, increased water surface elevations, bank instabilities, or fish passage barriers.

        ii. An inventory of stream reaches that are a priority for maintenance based on chronic problems, such as sediment accumulation, flooding, or excessive erosion. The inventory should include an assessment of the causes of the chronic problems and a corrective action plan.

        iii. An inventory of those reaches that potentially function as migration, spawning, or high flow refugia habitat for salmonids.

        iv. An inventory of stream reaches that flow through alluvial fan landscapes.

46. The following activities are exempt from annual notification requirements and may occur any time at the discretion of the District and consistent with the SMP: maintenance of existing access roads located along the top-of-bank where there will be no impact on waters of the State, maintenance of drainage ditches along existing service roads where all work is above the level of top-of-bank of the adjacent stream, and there will be no impact to waters of the State, removal of debris (e.g., trash, shopping carts) accumulations using hand labor and not involving the removal of vegetation or large woody debris, and beaver management activities that would not disturb the beaver's habitat.

47. Maintenance activities on any channels identified as modified or natural in the SMP Manual shall require project-specific notification to the Regional Water Board.

48. Project specific notification on all channels shall include photo documentation of existing conditions, a description of the project, and an assessment of the need for the proposed maintenance activities. The District shall also provide post-maintenance photo documentation. The District shall report if any of the proposed projects could impact any channels identified as functioning as potential habitat for threatened or endangered species, or providing habitat for different life cycles for salmonids (i.e., migration, spawning, rearing, or refugia).

49. For maintenance work in engineered channels and District maintenance easements, Regional Water Board staff will review and comment on the project-specific notification information within 30 days of receiving the notification. If Regional Water Board staff has not contacted the District within this 30-day time period, then the District can proceed with the maintenance work as documented in the project specific notification.

50. For maintenance work outside District easements in natural channels, the project-specific notification information will be reviewed by Regional Water Board staff within 30 days. Any ground disturbing activities will require approval of the Regional Water Board Executive Officer before work is initiated. If Regional Water Board staff has not contacted the District within a 30-day time period, then the District can proceed with non-ground disturbing maintenance work as documented in the project specific notification.

51. Before June 15 of each year, the District shall organize a meeting and field tour with the Regional Water Board along with other regulatory agencies, to discuss the projects scheduled for the upcoming maintenance season.

52. After each maintenance season, the District and Regional Water Board staff shall meet to discuss the performance of the SMP, review lessons learned from the completed construction season, and determine the need to implement improved stream maintenance techniques and BMPs. The District shall implement all stream maintenance techniques and BMPs deemed necessary by the Executive Officer in connection with such review.

53. After five years of SMP implementation, the District and Regional Water Board, along with other regulatory agencies, shall review the SMP to evaluate its overall effectiveness, and the Regional Water Board shall consider issuing WDRs for an additional five years to allow continuation of SMP implementation. The review shall include an assessment of maintenance activities conducted to date, BMPs, adequacy of the SMP mitigation

program, data management, adaptive updates and revisions of the SMP Manual, and overall program coordination and communication between the District and the regulatory agencies. The SMP Manual, and the WDRs and WQC may be revised or updated based on this review.

Fees

54. The fee amount for the WDRs and WQC shall be in accordance with the current fee schedule, per 23 California Code of Regulations section 2200(a)(1), based on the discharge's Threat to Water Quality and Complexity rating of the Discharge to Land or Surface Waters, plus applicable surcharge(s). The Threat and Complexity rating shall be rated as 3B, and shall remain at this level throughout the period of this Order. After the initial year, this portion of the fee shall be billed annually to the District. The fee payment shall indicate the Order number, WDID number, and the applicable season.

Records Provisions

55. The District shall maintain a data management system to monitor stream maintenance activities, natural resources in the SMP area, permitting requirements and mitigation efforts.

56. The Water Board Executive Officer may request that data be provided to the Regional Water Board at times outside of the reporting requirements specified in this Order.

57. The District shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Water Board Executive Officer at any time.

58. The District shall submit electronic versions of any submitted reports or documents.

General Provisions

59. All Provisions in this Order apply to all channels and activities identified in the SMP Manual.

60. The following activities are not included in the SMP Manual and therefore not covered in this Order: capital improvement projects, projects that would alter the designed flood conveyance capacity of a channel, large sediment removal or dredging projects (greater than 500 feet in length), maintenance of restoration projects outside of flood control channels for which maintenance and monitoring is performed under project-specific permits, maintenance of the Army Corps Napa River/Napa Creek Flood Protection Project, and emergency activities and procedures. A situation is considered an "emergency" if it is a sudden, unexpected occurrence involving a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage (California Public Resources Code Section 21060.3).

61. The District shall comply with all the Prohibitions, Discharge Specifications, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of the Order or as provided in the Order.

62. The District shall comply with all necessary approvals or permits for the SMP and its mitigation projects from applicable government agencies, including, but not limited to, the Regional Water Board, CDFG, the Army Corps, U.S. Fish and Wildlife Services (FWS), National Marine Fisheries Services, and local agencies. The District shall submit copies of such approvals or permits to the Water Board Executive Officer prior to SMP implementation.

63. This certification does not allow for the take, or incidental take, of any special status species. The District shall use the appropriate protocols, as approved by CDFG and FWS, to ensure that maintenance activities do not impact the Beneficial Use of the Preservation of Rare and Endangered Species;

64. The District shall implement the SMP in accordance with the conditions described in the SMP Manual and the findings herein, and shall comply with all applicable water quality standards.

65. SMP activities occurring within the channel shall only occur from June 15 to October 31 or the first significant rainfall after October 15, whichever occurs first (significant rainfall is defined as 0.5 inch of rain in a 24-hour period). No new in-stream sediment removal or bank stabilization work shall start after October 15 of any year, but work already underway shall have until October 31 to be completed. Disturbed soil related to SMP activities shall be stabilized and winterized. Required planting shall be performed no later than the fall/winter planting season in the year following project installation.

66. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated SMP activities shall cease immediately until corrective actions have been implemented, including ensuring that adequate BMPs are implemented to eliminate the discharge and clean up and remediate any recoverable pollutants. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

67. All mitigation activities shall be completed as described in the Mitigation Monitoring and Reporting Program and the SMP.

68. Issuance of WDRs and WQC is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and 23 California Code of Regulations section 3867.

69. The Regional Water Board may add to or modify conditions of this Order, as appropriate, to implement any new or revised total maximum daily load requirements.

70. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Clean Water Act Section 303.

71. The District shall maintain a copy of this Order and all relevant plans and BMPs at SMP work sites, so as to be available at all times to site operating personnel.

72. The District shall correct any and all problems that arise from an SMP activity, including a failure to meet the conditions of this Order that results in an unauthorized release of pollutants, including sediment.

73. The District shall permit the Regional Water Board staff or its authorized representative, upon presentation of credentials:

    d) Entry on to the premises on which maintenance activities are planned or underway, wastes are located, or in which records are kept.

    e) Access to copy any records required to be kept under the terms and conditions of this Order.

    f) Access to inspect any treatment equipment, monitoring equipment or monitoring method required by this Order.

    g) Access to sample any discharge or surface water covered by this Order.

74. 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 applicable State or federal law. The District shall implement all mitigation measures identified in the SMP Manual relating to aquatic species, water quality, and hazardous materials. In addition, the District shall comply with the Monitoring and Reporting Program attached to this Order, and the SMP Manual and its maintenance-related appendices including the Sediment Sampling and Analysis Guidelines and the Vegetation Management Plan.

75. This Order is not transferable.

76. The authorization of this Order for SMP activities expires on XXX, 2017. Mitigation and monitoring requirements that extend beyond the term of this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on XXX, 2012.

_____

Bruce H. Wolfe
Executive Officer

Attachment A: Napa County Stream Maintenance Manual