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## State Water Resources Control Board

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### ORDER NO. WQ 2021-0049-DWQ WASTE DISCHARGE REQUIREMENTS

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**Effective Date:** October 13, 2021

**Expiration Date:** October 13, 2026

**Program Type:** Fill/Excavation

**Project Type:** Channel Construction and Maintenance

**Project:** Los Banos North Crossing Rehabilitation Project (Project)

**Applicant:** Pacific Gas and Electric Company (PG&E)

**Applicant Contact:** Craig Geldard  
Environmental Planning and Permitting, Manager  
Pacific Gas and Electric Company  
1455 East Shaw Avenue  
Fresno, CA 95710  
Phone: (925) 286-9590  
Email: [Craig.Geldard@pge.com](mailto:Craig.Geldard@pge.com)

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USACE No.:	Not applicable

**Water Board Staff:** [Brendan Reed](#)  
Environmental Scientist  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 341-5462  
Email: [Brendan.Reed@waterboards.ca.gov](mailto:Brendan.Reed@waterboards.ca.gov)

**Water Board Contact Person:** If you have any questions, please call State Water Resources Control Board (Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Wetlands Permitting and Enforcement Unit I Supervisor.

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## I. Order

This Order for Waste Discharge Requirements (Order) is issued at the request of Pacific Gas and Electric Company (hereinafter Discharger or PG&E) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Discharger.

This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any state or federal license or permit issued for the Project. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law.

The application was received on May 18, 2021. The application was deemed complete on August 18, 2021. Prior to receiving a complete application, Water Board staff issued a notice of incomplete application and the Discharger responded to the request for application information on the following date(s):

Date of Notice of Incomplete Application: **June 15, 2021**  
Date all requested information was received: **August 13, 2021**

Water Board staff requested additional information necessary to supplement the contents of the complete application and the Discharger responded to the request for supplemental information on the following dates:

Date of Request for Supplemental Information: **June 15, 2021**  
Date all requested information was received: **August 20, 2021**

## II. Public Notice

The State Water Board provided public notice of the draft order pursuant to Water Code section 13167.5 from September 10, 2021 to October 11, 2021. No comments were received during the public notice period.

## III. Project Purpose

The purpose of this Project is to restore the grade of a section of stream channel to a more stable gradient and stabilize a culverted stream crossing. This section of stream channel was destabilized as a result of design modifications to address a petroleum pipeline during construction of a previously permitted culvert replacement project. The design modifications were not submitted for review prior to implementation, so maintenance is now required to stabilize the channel.

## IV. Project Description

The Project includes placing 3.5-4 feet of fill over an existing petroleum pipeline; below grade armoring of the existing petroleum pipeline; placing buried riprap at the

inlet and outlet of the existing culvert; and returning the destabilized stream reach's bed to a more naturally stable grade of 1.5-3.5% through discharge of fill material harvested from adjacent stream banks and uplands. This Project design was altered from the preferred design in order to obtain coverage under the Master Streambed Alteration Agreement for PG&E's operation, maintenance, and new minor construction activities described in the San Joaquin Valley Habitat Conservation Plan, and to facilitate Project implementation prior to the 2021-2022 rainy season. Due to these design alterations, the Project reach will be monitored for several years after the project is implemented to ensure that the channel has been adequately stabilized and no further stabilization measures are necessary.

The Project reach extends from 153 feet upstream of the culvert, through the culvert, to 283 feet downstream of the culvert (see map in Attachment A). The Project's upstream and downstream end points will tie in with the naturally stable stream channel so that headcutting potential at these points is minimized.

## **V. Project Location**

County: Fresno

Assessor's Parcel Number(s): 027-171-62S and 027-171-56S

Nearest City: Mendota

Section 31, Township 15 South, Range 13 East, MDB&M.

Latitude: 36.582894° and Longitude: -120.601663°

A map showing the Project location is found in Attachment A of this Order.

## **VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Central Valley Regional Water Quality Control Board (Regional Water Board). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

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

**VII. Description of Direct Impacts to Waters of the State**

The Project’s direct impacts include cutting/excavating material from the riparian zone and stream banks, and then discharging that material as fill within the stream bed to decrease stream bed gradient to a more stable slope throughout the Project reach.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Permanent Degradation of Ecological Condition Impacts**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Riparian Zone	0.292	356 fill / 825 cut	404
Stream Channel	0.085	272 fill / 51 cut	436

**VIII. Description of Indirect Impacts to Waters of the State**

The Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts to waters of the state and their designated beneficial uses could potentially result from Project activities that are within or adjacent to the Project reach. Such impacts may result from bank erosion at excavation sites, erosion of stream bed as remediated channel adjusts or continues to erode if not appropriately stabilized, and decreases in buffer area and degradation of wildlife habitat within and directly adjacent to the Project reach. These potential indirect impacts are expected to be short term and expected severity of these impacts are adequately reduced through adherence to this Order and other permits.

**IX. Avoidance and Mitigation**

The project will avoid and mitigate impacts to waters and water quality by: directly impacting the shortest stream reach possible to achieve the desired stream bed grade, implementing the Project when there is no flow or standing water in the channel, utilizing existing access roads and other previously disturbed areas for staging and storage of materials and equipment, revegetating disturbed areas immediately following cessation of ground disturbing activities, using on-site fill material or clean fill material imported from off-site, installing armoring below the

stream bed, installing erosion and sediment control materials on freshly excavated banks according to best management practices, inspecting machinery for leaks daily, and storing chemicals and fuel more than 100 feet from waters.

The project qualified as a tier 2 project under the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. The Project is the least environmentally damaging practicable alternative.

#### **X. Compensatory Mitigation**

The Discharger is required to provide compensatory mitigation described in section XIII.H for temporary impacts resulting in temporal loss, and/or degradation of ecological condition.

The Discharger is required to provide compensatory mitigation for direct impacts, described in section XIII.I for permanent impacts.

#### **XI. California Environmental Quality Act (CEQA)**

On May 5, 2008, the California Department of Fish and Wildlife (previously Fish and Game), as lead agency, certified an environmental impact report/environmental impact statement (EIR/EIS) (State Clearinghouse (SCH) No. 2004042009) for the Project and filed a Notice of Determination (NOD) at the SCH on May 9, 2008. Pursuant to CEQA, the Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

#### **XII. Fees Received**

An application fee of \$2,066 was received on May 17, 2021. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84) with the dredge and fill fee calculator.

An additional fee of \$4,931 based on total Project impacts was received on August 13, 2021.

#### **XIII. Conditions**

The Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. This Order provides reasonable assurance that the Project authorized under this Order will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to:

##### **A. Authorization**

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

## B. Reporting and Notification Requirements

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

### 1. Project Reporting

- a. Monthly Reporting: The Discharger must submit a Monthly Report to the Water Board by the 15th day of each month after the effective date of this Order. Monthly reporting shall continue until a Notice of Completion of Discharges Letter is issued to the Discharger.
- b. Annual Reporting: The Discharger shall submit an Annual Report each year by the anniversary of the effective date of this Order. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Discharger.

### 2. Project Status Notifications

- a. Commencement of Construction: The Discharger shall submit a Commencement of Construction Report and corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) at least twenty-four (24) hours prior to start of initial ground disturbance activities.
- b. Request for Notice of Project Complete Letter: The Discharger shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. This request shall be submitted to Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Water Board staff shall issue a Notice of Project Complete Letter to the Discharger which will end the post discharge monitoring period and associated annual fees. Completion of post-construction monitoring shall be determined by Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

### 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials<sup>1</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 13271):

- i. As soon as (A) Discharger has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - First call – 911 (to notify local response agency)
  - Then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
  - Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) ([http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf))
- ii. Following notification to OES, the Discharger shall notify Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Water Board, the Discharger must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards:

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

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<sup>1</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, Section 25501.)

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- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions:
- i. The Discharger shall notify the Water Board at least twenty-four (24) hours prior to initiating work in waters of the state. Notification may be delivered via written notice, email, or other verifiable means.
  - ii. No work in flowing or standing water or water diversions are proposed by the Discharger or authorized by this Order. If work in flowing or standing water or water diversions become necessary, a water quality monitoring plan shall be developed by the Discharger and approved by the State Water Board prior to any such work. Within three (3) working days following completion of any work in flowing or standing water or water diversions that become necessary, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Water Board staff.
- d. Modifications to Project
- Project modifications may require an amendment of this Order. The Discharger shall give advance notice to Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Discharger shall inform Water Board staff of any Project modifications that will interfere with the Discharger's compliance with this Order. Notification may be made in accordance with conditions in the Order Deviation section of this Order.
- e. Transfer of Property Ownership:
- This Order is not transferable in its entirety or in part to any person or organization except after notice to the Water Board in accordance with the following terms:
- i. The Discharger must notify the Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Discharger and purchaser must sign and date the notification and provide such notification to the Water Board at least ten (10) days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the Discharger in a revised order.

- ii. Until such time as this Order has been modified to name the purchaser as the discharger, the Discharger shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance:

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

### C. Water Quality Monitoring

1. General:

No work in flowing or standing waters, or water diversions are proposed by the Discharger or authorized by this Order. No water quality monitoring plan is required unless work in flowing or standing water or water diversions become necessary. If such work becomes necessary, the Discharger must prepare a water quality monitoring plan and have that plan approved by the State Water Board prior to any such work.

2. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge, the Discharger shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Water Board in accordance with XIII.B.3. Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. Post-Construction:

At minimum, visually inspect the Project site during the rainy season for two years to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Water Board staff member overseeing the Project within three (3) working days. The Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation. The Discharger shall also follow monitoring and reporting requirements in their restoration plan (Section XIII.H) and/or a future

monitoring plan developed for this Project by the Discharger and approved by the State Water Board.

#### **D. Standard Conditions**

1. This action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, Title 23, Chapter 28, Article 6 commencing with section 3867.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations.

#### **E. General Compliance**

1. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
2. The project must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order
3. If site conditions necessitate changes to the Project as shown in engineering plans, specifications, and technical reports submitted with the application and the situation is not considered an emergency, the Discharger must notify, and receive approval from, the State Water Board in accordance with section XIII.B.3.d.(Modifications to Project) and/or XIII.J (Order Deviation) prior to implementing the changes.
4. The Discharger shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) associated with the Final Environmental Impact Statement/Environmental Impact Report—Pacific Gas & Electric Company San Joaquin Valley Operations and Maintenance Program Habitat

Conservation Plan, which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

## F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. **Site Access:** The Discharger shall grant State Water Board staff, Central Valley Regional Water Quality Control Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project site premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
3. The Discharger shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on this Project. Copies of this Order shall remain at the Project site for the duration of this Order. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
4. **Lake and Streambed Alteration Agreement:** The Discharger has provided documentation that they obtained coverage for the Project under the Master Streambed Alteration Agreement for PG&E's operation, maintenance, and new minor construction activities described in the San Joaquin Valley Habitat Conservation Plan (Notification No.1600-2008-0001-0000-HQ).

## G. Construction Conditions

1. **Good Site Management "Housekeeping"**
  - a. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural

best management practice (BMP) materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.

- b. Construction material, debris, rubbish, spoils, soil, silt, sawdust, rubbish, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of project related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.
  - c. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils have been stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of project disturbance are prohibited.
  - d. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
  - e. Temporary materials placed in any water of the state must be removed as soon as no longer needed for construction or once construction is completed, whichever is soonest, and all temporary access roads must be re-contoured and restored according to approved re-vegetation and restoration plans.
  - f. Material excavated and not used for fill elsewhere on site must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state.
5. **Topsoil:** The top 6 to 12 inches of topsoil from excavated areas shall be removed and stockpiled separately during construction. Following excavation and fill activities, this topsoil shall be replaced on disturbed stream banks and upland areas and seeded with native vegetation.

**6. Dust Abatement:**

- a. Dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state.
- b. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by State Water Board staff.

**7. Use of Mechanized Equipment**

- a. Activities permitted under this Order shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting, and other mechanical impacts.
- b. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to waters of the state.

**8. Toxic and Hazardous Materials**

- a. Activities permitted under this Order shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.
- b. Other than the Armorloc blocks or similar product used for below grade armoring of the petroleum pipeline, discharge of cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited.
- c. Appropriate BMPs must be implemented throughout project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials.
- d. Activities permitted under this Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations Title 22, section 66261 and Water Code section 13173.
- e. All personnel handling fuels and other hazardous materials shall be properly trained.

- f. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during project implementation.
- g. All mechanized equipment shall be maintained in good operating order and inspected for leaks on a regular basis.
- h. All on site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.
- i. All equipment shall be staged, fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.
- j. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.
- k. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.
- l. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely cleaned up using appropriate materials and equipment.
- m. Spill containment and clean up supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.

#### **9. Invasive Species and Soil Borne Pathogens**

- a. The discharger is responsible for ensuring that all project personnel follow proper weed control practices, and that appropriate invasive weed prevention measures are included in project plans.
- b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.
- c. Soil borne pathogens are any nematode, bacterial, protozoan, viral, or fungal pathogens that can cause disease or death to native plants, agricultural crops or ornamental plants (e.g., *Phytophthora ramorum*, the cause of sudden oak syndrome, and *Phytophthora lateralis*, the cause of Port Orford cedar root disease). Any equipment entering or leaving the project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen

before entering or leaving the project area. The fungus that causes Valley Fever, *Coccidioides* spp., is not considered a soil borne pathogen in this Order.

#### **10. Work in Delineated Waters of the State**

- a. Work in waters of the state must not cause or contribute to an exceedance of water quality objectives in the receiving waters. Work in delineated waters commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. The term “work” means any ground disturbing activities in any delineated waters of the state that are permitted under this Order, regardless of the presence or absence of flowing or standing water.
- b. No dewatering or water diversion was proposed, so none shall occur. If dewatering or diversion becomes necessary, the Discharger shall submit a dewatering and/or diversion plan to State Water Board staff for approval prior to any of these activities taking place.
- c. All work shall occur during the dry season when no standing or flowing water, or saturated substrates are present.
- d. If an unexpected storm event generates flow in the channel before initial post construction channel stabilization is complete the channel shall be stabilized so that excessive erosion and water quality degradation does not occur. After such an event, work shall not resume until channel flows have subsided, no standing water is present, and near surface soil and stream substrate are no longer saturated.
- e. All work in waters of the state and initial channel stabilization shall be completed by October 30, 2021. An extension of this date may be requested by the Discharger and may be granted by the State Water Board, at their discretion, if 1) no storm events are predicted or likely to occur prior to the requested date and/or 2) the channel is not yet properly stabilized for the wet season and degradation of the stream channel, beneficial uses, and water quality would be likely if there is flow in the channel.
- f. No equipment shall operate in standing or flowing water. No groundwater dewatering is expected or authorized. If groundwater dewatering is required for the Project, the Discharger shall consult with the State Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water



Board staff contact must be notified and copied on pertinent correspondence pertaining to those other required permits.

11. **Stormwater:** If the project is required to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) (Construction General Permit), the discharger shall comply with the requirements in the Construction General Permit. Generally, coverage under the Construction General Permit is required for construction activity resulting in a land disturbance of one acre or more, or less than one acre but is part of a larger common plan of development or sale that results in a land disturbance of one acre or more. Covered activities are described with additional detail in the Construction General Permit. Compliance with the Construction General Permit constitutes compliance with Erosion and Sediment Control Conditions a. i-ii and Stormwater Management Conditions b. i-ii, below.

**a. Erosion and Sediment Control**

- i. No later than 24 hours prior to the start of a likely rain event, the discharger shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, etc.) or revegetated with locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a 50 percent or greater probability of producing precipitation in the project area. The discharger shall obtain daily a printed copy of the precipitation forecast information (and keep for record) from the National Weather Service Forecast Office.
- ii. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. The constructed post-project stormwater BMPs shall not receive site runoff until all project landscaping is planted, and effective erosion control measures implemented to ensure that the stormwater features are protected from sediment accumulation.

**b. Stormwater Management**

- i. Disturbed areas must be temporarily stabilized to prevent erosion and accidental discharge into waters of the state no later than 24 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a 50 percent probability of producing precipitation in the project area, as predicted by the National Weather Service. If commencement of a precipitation event is predicted to begin less than 24 hours after the forecast is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.
- ii. No individual construction activity that could discharge sediment or other pollutants may be initiated if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation. After any rain event, the discharger shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. Seventy-two hour weather forecasts from the National Weather Service shall be consulted prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site, and construction plans made to meet this condition.

**H. Mitigation for Temporary Impacts**

1. The Discharger shall restore all areas of temporary impacts to all Project site waters of the state and upland areas of temporary disturbance which could result in a discharge to waters of the state in accordance with an approved restoration plan. The restoration plan must be submitted to, Water Board staff for approval prior to initiating temporary impacts. Temporary impacts to waters of the state are not authorized and shall not occur until a restoration plan has been submitted to the State Water Board for approval.
2. The restoration plan shall include provisions for monitoring stability of the remediated channel reach and the channel upstream and downstream of the remediated reach after flow events and/or the rainy season.
3. The Discharger shall document pre-project conditions and report on temporary impact restoration status and channel stability in the annual report associated with this Project.

**I. Compensatory Mitigation for Permanent Impacts:**

Compensatory Mitigation is for permanent ecological degradation of a water of the state.

**1. Final Compensatory Mitigation Plan:**

The Discharger shall provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory Mitigation section of their application dated May 2021 and incorporated herein by reference and approved through the issuance of this Order. Any deviations from, or revisions to, the Compensatory Mitigation proposal must be pre-approved by Water Board staff.

**2. Purchase of Mitigation Credits by Discharger for Compensatory Mitigation**

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Water Board within 60 days of the effective date of this Order.
- b. The Discharger shall retain responsibility for providing the compensatory mitigation and long-term management until Water Board staff has received documentation of the credit purchase and the transfer agreement between the Discharger and the seller of credits.

**3. Total Required Compensatory Mitigation**

- a. The Discharger is required to provide compensatory mitigation for the authorized impacts to Stream Channel by purchasing 0.17 seasonal wetlands credits from Grasslands Mitigation Bank.
- b. The Discharger is required to provide compensatory mitigation for the authorized impacts to Riparian Zone by purchasing 0.584 seasonal wetlands credits from Grasslands Mitigation Bank.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 2. Potential compensatory mitigation methods are Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), and Unknown.

**Table 2: Total Required Project Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition**

Impacted Aquatic Resource Type	Mitigation Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	General Restoration
Stream Channel	Seasonal Wetland	Mitigation Bank Credits	Credits						0.17
Riparian Zone	Seasonal Wetland	Mitigation Bank Credits	Credits						0.584

**J. Order Deviation**

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Order Deviations as set forth in Attachment F. For purposes of this Order, an “Order Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Order Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
  
2. A Project modification shall not be granted an Order Deviation if the deviation would require changes to the Order conditions and/or the CEQA environmental document. In this case a supplemental environmental review and/or amended or new Order will be required.

**XIV. Conclusion**

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

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Date

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Water Boards

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Karen Mogus  
Deputy Director, Division of Water Quality  
State Water Resources Control Board