

## State Water Resources Control Board

---

### WATER QUALITY ORDER NO. 2019-0010-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

---

**Effective Date:** May 2, 2019

**Program Type:** Fill/Excavation

**Project Type:** Industrial

**Project:** Canon Station Industrial Area Project (Project)

**Permittee:** Canon Partners

**Permittee Contact:** Frank Andrews  
1107 Kentucky Street  
Fairfield, California 94533-5725  
Phone: (707) 426-0100  
Email: [Frank.Andrews@asbproperties.com](mailto:Frank.Andrews@asbproperties.com)

**Permittee's Agent:** Steve Foreman  
Principal, LSA Associates Inc.  
157 Park Place  
Point Richards, California 94801  
Phone: (707) 426-0100  
Email: [Steve.Foreman@lsa-assoc.com](mailto:Steve.Foreman@lsa-assoc.com)

**State Water Board Staff:** Jean Bandura  
Environmental Scientist  
1001 I Street, 15th Floor  
Sacramento, California  
Phone: (916) 322-7781  
Email: [Jean.Bandura@waterboards.ca.gov](mailto:Jean.Bandura@waterboards.ca.gov)

**State Water Board Contact Person:**

If you have any questions, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 341-5579 and ask to speak with the Wetlands Permitting and Planning Unit supervisor.

**Table of Contents**

I. Order .....3  
II. Public Notice .....3  
III. Project Purpose.....3  
IV. Project Description .....3  
V. Project Location .....3  
VI. Project Impact and Receiving Waters Information .....4  
VII. Description of Direct Impacts to Waters of the State .....4  
VIII. Description of Indirect Impacts to Waters of the State .....5  
IX. Avoidance and Minimization .....5  
X. Compensatory Mitigation .....5  
XI. California Environmental Quality Act (CEQA) .....5  
XII. Petitions for Reconsideration .....5  
XIII. Fees Received .....5  
XIV. Conditions .....5  
XV. Water Quality Certification ..... 15

- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact and Mitigation Information
- Attachment C** Reporting and Notification Requirements
- Attachment D** CEQA Findings of Facts
- Attachment E** Deviation Requirements
- Attachment F** Signatory Requirements

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) and attachments A through F is issued at the request of Canon Partners (herein after Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on April 1, 2016. The application was deemed complete on January 17, 2018. Prior to receiving a complete application, State Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

<b>Table 1: Record of Notice(s) of Incomplete Application</b>	
Date of Notice of Incomplete Application	Date all requested information was received.
4/29/2016, 9/9/2016	11/18/2017

State Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 2)

<b>Table 2: Record of Supplemental Application Information</b>	
Date of Request for Supplemental Information	Date all requested information was received.
5/9/2018	3/12/2019

Additionally, State Water Board Staff issued a Denial Without Prejudice on November 18, 2016.

**II. Public Notice**

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from July 19, 2017 to August 8, 2017. The State Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The Project purpose is to construct an industrial park and a detention basin. The Project implements a portion of the Fairfield Train Station Specific Plan (TSSP) and partially fulfills the employment area function for the City of Fairfield’s Master Plan.

**IV. Project Description**

The Canon Station Industrial Area Project is an approximately 52-acre industrial park that includes cut and fill grading activities to create a relatively level site suitable for detention basin construction and associated drainage facilities, flattening of the site to create foundation pads for buildings, road improvements, and construction of a new storm drain outfall.

**V. Project Location**

The Project is located on the western side of California’s Central Valley, just east of the base of the Cement Hills, and west of the Jepson Prairie in Solano County. It is generally south of the City of Vacaville, north of the Travis Air Force Base, and between Peabody Road on the

west and North Gate Road on the east. The Project coordinates are 38.298916, -121.933927. The Assessor's Parcel Numbers for the Project Site are: 166-040-040 (main parcel north of Canon Rd), 166-050-120. Maps showing the Project location are found in Attachment A of this Order.

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

The Project is located within the jurisdiction of the Central Valley Regional Water Quality Control Board and the San Francisco Bay Regional Water Quality Control Board (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plans include 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**

Wetland resources present on the Project site are mesic grassland swales and depressions to unnamed tributaries either to Barker Slough or Union Creek. Approximately 372,300 cubic yards of soil and rock will be removed, and 262,600 cubic yards of fill will be placed. The maximum cut depth is approximately 32.3 feet and the maximum fill depth is 18.4 feet. Where the Project activities will directly impact wetlands, an average fill depth of approximately 1.0 foot is assumed. Project impacts include improvements to Canon Road and construction of a storm drain outfall. An estimated 5 cubic yards of rock is anticipated to be used for energy dissipation at the culverted storm drain outfall into a tributary channel to Union Creek.

The Project impacts result in a permanent physical loss of waters of the state. This Order does not authorize any temporary impacts to waters of the state. Total Project fill/excavation quantities for all impacts are summarized in Table 3.

Table 3: Total Project Fill/Excavation Quantity <sup>1</sup>									
Aquatic Resource Type	Temporary Impact <sup>2</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Wetland	-	-	-	0.06	-	566	-	-	-

<sup>1</sup> Cubic Yards (CY); Linear Feet (LF)

<sup>2</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

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

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts are considered to be those within 250 feet of any waters of the state for which compensatory mitigation is required. In addition, Project development is in proximity to additional waters and long-term cumulative effects from increases in traffic and development associated with the Project have the potential to result in additional indirect impacts.

**IX. Avoidance and Minimization**

Throughout the Project planning process, environmental constraints were incorporated into the decision-making matrix in an effort to find the Project approach that minimized impacts to natural resources. A detailed description of the analysis of Project alternatives, with respect to wetlands and other Project constraints, is provided in an alternatives analysis, which supports compliance with the Clean Water Act Section 404(b)(1) Guidelines. Detailed analyses of several configurations of the development resulted in the proposed Project, identified by the Permittee as the Least Environmentally Damaging Practicable Alternative because it limits impacts to habitats and wetlands.

In addition, the Project includes Low Impact Design strategies in order to manage decreased infiltration capacity due to the new impervious surfaces resulting from the Project.

**X. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct and indirect impacts, described in section VII and VIII for permanent impacts.

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

On June 27, 2011, the City of Fairfield, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2010042093) for the Project and filed a Notice of Determination (NOD) at the SCH on October 13, 2011. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment D.

**XII. Petitions for Reconsideration**

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

**XIII. Fees Received**

An application fee of \$600 was received on April 1, 2016. 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 \$900 was received on March 12, 2019.

**XIV. Conditions**

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

**A. Authorization**

Impacts to waters of the state shall not exceed quantities shown in Table 3.

**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 C, 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 C, which must be signed by the Permittee or an authorized representative. Submit all reports and notifications to the State Water Board staff assigned to the Project noted on the first page of this Order, and consistent with Attachment C.

**1. Project Reporting**

- a. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary date of this Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

**2. Project Status Notifications**

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the State Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, State Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to the State Water Board within thirty (30) days following completion of all Project activities. Upon approval of the request, State Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

---

<sup>3</sup> Completion of post-construction monitoring shall be determined by State Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

**a. Accidental Discharges of Hazardous Materials<sup>4</sup>**

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - 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:  
[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 Permittee shall notify State Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the State Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the State Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- 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**

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

---

<sup>4</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 & Saf. Code, § 25501.)

- d. Modifications to Project:** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to State Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform State Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the State Water Board in accordance with the following terms:
- i. The Permittee must notify the State Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the State Water Board at least 10 days prior to the transfer of ownership.
  - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the State Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the State Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, the State Water Board may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to State Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.
  - a. At a minimum, this plan shall include monitoring of the following constituents: dissolved oxygen, oil and grease, pH, specific conductance, settleable material, water temperature, and turbidity. The plan shall specify suitable locations, type of same (e.g. visual inspection, grab sample, continuous flow through monitor),



frequencies and methods as necessary to demonstrate that regional water quality objectives are met.

- b.** The water quality monitoring plan shall, for all water diversions, specify sampling locations upstream and downstream of dewatered areas and shall specify that monitoring be conducted before, during, and after diversion installation, diversion removal, dewatering, and rewatering activities to ensure that regional water quality objectives are met. The plan shall specify and the Permittee shall ensure that qualified individuals with sufficient education and experience in water quality monitoring methods and result interpretation conduct this monitoring.
- 4. Post-Construction:** Visually inspect the Project site during the rainy season until a Letter of Project Complete is issued by the State Water Board 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 State Water Board staff within three (3) working days. The State 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.

#### D. Standard

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

### E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the State Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment [X], CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

### F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment F of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the

Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant State Water Board staff, Central Valley Regional Water Quality Control Board or San Francisco Bay 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 or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the State Water Board immediately upon execution and prior to any discharge to waters of the state.

## **G. Construction**

### **Dewatering**

1. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.
2. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state to isolate the immediate work area. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of diversion activities.

**Good Site Management “Housekeeping”**

3. This Order does not authorize the discharge of wastewater (e.g., water that has contacted uncured concrete or cement, or related washout) to surface waters, ground waters, or land where it may be washed into waters of the state. If concrete washout is necessary at the site, the Permittee will use washout containment to prevent any discharge to waters of the state. Wastewater may only be disposed of to a sanitary wastewater collection system/facility (with authorization from the facility’s owner or operator) or a properly licensed disposal or reuse facility.
4. Concrete shall be excluded from surface water for a period of thirty (30) days after it is poured/sprayed. During that time, if the concrete shall be kept moist, then runoff from the concrete shall not be allowed to enter waters of the state. Commercial sealants may be applied to the concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is cured and no detrimental impacts to water quality shall occur. If groundwater comes into contact with fresh concrete, it shall be prevented from flowing to surface water.
5. Except for temporary stockpiling of waste generated during Project activities (“temporary” in this instance means generated and removed during the same working day), waste materials shall not be placed in a manner where the materials may be discharged into waters of the state where direct impacts have not been authorized.
6. A perimeter work area shall be established to protect any indirectly impacted waters of the state from direct Project affects. This perimeter work area shall always be the greatest practicable distance from any waters of the state and at least 65 feet from any waters of the state.
7. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
8. The Permittee shall oversee the work of the contractor during implementation of the Project, to ensure that the work is being done in accordance with the plans.
9. No temporary impacts are authorized by this Order; construction equipment, vehicles and personnel must not enter waters of the state beyond the limits of grading.
10. Fueling, lubrication, maintenance, cleaning, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the state. The Permittee shall not use leaking vehicles or equipment within waters of the state or where leaking materials may discharge to waters of the state.
11. All construction related equipment, material, and any temporary BMPs no longer needed, shall be removed and cleaned from the site upon completion of the Project.
12. All materials (e.g. excess materials, debris or hazardous materials) resulting from the Project shall be removed from the site and disposed of properly.
13. All imported riprap, rocks, and gravels used for construction shall be pre-washed.

14. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be discharged, directly or indirectly (e.g. washed by rainfall) into any waters of the state where direct impacts have not been authorized.
15. The limits of Project disturbance identified in the Project construction plans must be clearly identified in the field with highly visible markers. 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.

#### **Hazardous Materials**

16. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by Project-related activities, shall be prevented from contaminating fill material and/or entering waters of the state.
17. The Permittee shall retain a spill plan and appropriate spill control and clean up materials onsite in case spills occur. Construction personnel must be familiar with the plan and how to use the cleanup materials or kits.
18. Onsite containment for storage of chemicals classified as hazardous shall include effective secondary containment.

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

19. Imported fill material must be free of weed and invasive species seeds and live plants.
20. Equipment and machinery used in Project construction shall be inspected and cleaned of non-native invasive vegetation prior to on-site use.

#### **In-Water Work**

21. No equipment shall be operated in areas of flowing or standing water.
22. Construction materials and heavy equipment must be stored outside of waters of the state.
23. Storm drain lines/culverts, outfall structure, and other water body crossing structures shall be properly aligned within the water body and otherwise engineered, installed, and maintained, to assure resistance to washout, and to prevent erosion and/or fill of the water body. Water velocity shall be dissipated at outfalls to reduce erosion.

## Roads

24. As applicable, a method of containment must be used below any bridge, boardwalk and/or temporary stream crossings to prevent debris from active construction falling into waters of the state through the entire duration of the Project.
25. The number of access routes, number and size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the Project purpose. Routes and boundaries will be clearly marked to prevent vehicular operation outside of designated and permitted routes and work areas.
26. Road-related sediment discharges shall be minimized to the greatest extent possible.

## Stabilization/Erosion Control

27. All disturbed areas of the Project site shall have effective erosion and sediment control measures both during, and after, completion of construction. The Permittee shall implement an effective combination of erosion and sediment control measures during all periods of construction at the site.
28. The Permittee may only disturb vegetation on the portion of the Project that they are actively working on.
29. All erosion control materials must be biodegradable and weed free.

## H. Compensatory Mitigation for Permanent Impacts<sup>5</sup>

1. **Final Compensatory Mitigation Plan** The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Canon Station Industrial Area Project Compensatory Mitigation Plan (Compensatory Mitigation Plan) dated July 25, 2018 and incorporated herein by reference. Any deviations from, or revisions to, the Canon Station Industrial Area Project Compensatory Mitigation Plan must be pre-approved by State Water Board staff.
2. **Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**
  - a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the State Water Board prior to Project commencement.
  - b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until State Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

---

<sup>5</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

**3. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impacts to wetlands by providing 0.06 acres of seasonal wetland reestablishment and 1.8 acres of wetland preservation.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type <sup>6</sup>	Units	Method <sup>7</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	MB	Acres	-	0.06	-	-	1.8	-

**I. Certification Deviation**

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

**XV. Water Quality Certification**

I hereby issue the Order for the Canon Station Industrial Area Project, SB16001IN certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality

<sup>6</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>7</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). and approves the mitigation monitoring and reporting program (MMRP) Fairfield Train Station Specific Plan, July 19, 2011 for the Project.

The State Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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



Eileen Sobeck  
Executive Director  
State Water Resources Control Board

5/2/19

Date

- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact and Mitigation Information
- Attachment C** Reporting and Notification Requirements
- Attachment D** CEQA Findings of Facts
- Attachment E** Deviation Requirements
- Attachment F** Signatory Requirements