July 22, 2013

In the Matter of

Water Quality Certification

for

Hanna Winery Culvert Replacement
WDID No. 1B12191WNSO

APPLICANT:	Hanna Winery
RECEIVING WATER:	Unnamed Creek tributary to Laguna de Santa Rosa
HYDROLOGIC UNIT:	Laguna Hydrologic Sub-Area No. 114.21, Russian River Hydrologic Area 114.00
COUNTY:	Sonoma
FILE NAME:	Hanna Winery Culvert Replacement

BY THE EXECUTIVE OFFICER:

1. On November 26, 2012, Hanna Winery (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with replacement of a failing culvert (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 18, 2013, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on the Project. Project is located at 5343 Occidental Road, Santa Rosa, Sonoma County, latitude 38.428403°N, and longitude 122.807889°W. The proposed project will cause disturbances to waters of the United States associated with an unnamed Creek tributary to Laguna de Santa Rosa, in the Russian River Hydrologic Unit, Laguna Hydrologic Sub-Area No. 114.21. Temporary

impact to bed and bank of an unnamed tributary to the Laguna de Santa Rosa is approximately 0.002 acres/10 linear feet.

2. The project involves the replacement of a failing 36-inch diameter culvert with two 60-inch diameter culverts within a seasonal creek that is tributary to the Laguna de Santa Rosa. Concrete headwalls will be installed at the upstream and downstream ends of the 18-foot long culverts, and approximately 10 linear feet of rock slope protection will be placed on the downstream end of the culverts to replace existing bank hardening and protect the outfall area. The areas above and below the culverts will be dewatered by use of sandbag coffer dams and a gravity flow pipe. Stream flow should be very low to dry during the summer construction season. Concrete shall be allowed to cure for at least 30 days, or a concrete sealing agent will be used, before the coffer dams are removed and any stream water is allowed to contact the concrete areas. Any construction dewatering shall be disposed of appropriately, and shall not be discharged back into waters of the state.

3. The project is planned to commence in summer/fall 2013 and have a work duration of up to 10 weeks. Instream work would be limited to the dry season, between June 15 and October 15. The creek is anticipated to be dry during construction; if any water from the construction area needs to be removed, it shall be pumped to a tank and disposed of at a legal point of disposal outside of waters of the state.

4. Mitigation includes decreased sediment delivery to the creek from the eroding bank and culvert area. Best Management Practices for erosion control on disturbed upland areas will include application of a suitable erosion control seed mix, erosion control fabric, and fiber rolls. The project does not involve any new permanent impact.

5. The Applicant has received authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit 3 for Maintenance Activities, on May 17, 2013, File Number 201200343, pursuant to Clean Water Act, section 404. The Applicant has also applied to California Department of Fish and Wildlife for a Streambed Alteration Agreement.

6. The Regional Water Board, as lead California Environmental Quality Act (CEQA) agency, will issue a Notice of Exemption, 15302-Replacement Projects, and file it with the State Clearinghouse, concurrent with issuance of the 401 Water Quality Certification, pursuant to CEQA guidelines.

7. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Receiving Water:	Laguna Hydrologic Sub-Area No. 114.21, Russian River Hydrologic Area 114.00
Filled or Excavated Area:	Temporary impact to creek bed and bank: 0.002 acres/10 linear feet.
Latitude/Longitude:	38.428403°N, 122.807889°W
Expiration:	July 22, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Hanna Winery Culvert Replacement (WDID No. 1B12191WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.

2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

4. The Regional Water Board shall be notified annually and in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in

order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the Project.

5. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

6. Any water pumped from the work area shall not be discharged back to the creek; it shall be pumped to a tank or other conveyance and disposed of at a legal point of appropriate disposal.

7. Applicant shall use wildlife-friendly 100% biodegradable erosion control products/BMPs. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the Project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

8. The Project shall be implemented according to the submitted application materials and the findings in this certification.

9. BMPs shall be implemented as proposed in the application materials. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.

10. 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 washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.

11. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.

12. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. 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.

13. Prior to implementing any change to the Project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).

14. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

15. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the Project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.

16. The Applicant shall implement the Project in accordance with the Project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.

17. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.

18. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its

contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.

19. 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 and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

20. 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. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process 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. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided 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. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

21. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

    To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board.

    The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

22. The authorization of this certification for any dredge and fill activities expires on July 22, 2018. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments, please call Stephen Bargsten at (707) 576-2653.

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Matthias St. John
Executive Officer

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Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Mr. Jeff Hinchliffe, Hanna Winery, 5345 Occidental Road, Santa Rosa, CA 95401

Copy to: Mr. Kurt Kelder, Kelder Engineering, 132 S. Cloverdale Blvd., Cloverdale, CA 95425