

**ATTACHMENT 6: GENERAL REQUIREMENTS, NOTICES
AND PERFORMANCE STANDARDS
FOR CLEANUP, ABATEMENT AND REMEDIAL ACTION**

General Requirements and Notices

- 1. Duty to Use Qualified Professionals:** The Dischargers shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Dischargers shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by appropriately qualified/licensed professionals as otherwise required by law.
- 2. Signatory Requirements:** All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Dischargers shall also state in the cover letter whether they will implement the recommendations/proposals provided in the report and adhere to the schedule for implementation. Any person signing a document submitted under this Order shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”
- 3. Notice of Change in Ownership or Occupancy:** The Dischargers shall file a written report on any changes in the Property’s ownership or occupancy. This report shall be filed with the Regional Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.
- 4. Reasonable Access:** The Dischargers shall allow the Regional Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.

- 5. Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. For example, Fish and Game Code (FGC) section 1602 requires a person or entity to notify CDFW before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. The failure to notify CDFW constitutes a violation of FGC section 1602. Additionally, proposed dredge or fill within waters of the United States requires a Clean Water Act section 404 permit from the US Army Corps of Engineers. Proposed work within waters of the United States or waters of the state requires water quality certification or other waste discharge requirements from the Regional Water Board.
- 6. Cost Recovery:** Pursuant to Water Code section 13304, the State or Regional Water Board is entitled to all reasonable costs it actually incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order. Within 30 days of request by the Regional Water Board or its delegated officer, the Dischargers shall enroll in the State Water Board's Cost Recovery Program managed by the State Water Board for the discharges addressed by this Order and shall reimburse the State of California for all reasonable costs actually incurred by the Regional Board pursuant to the procedures established in that program. Pursuant to Water Code section 13304 subdivision (c)(2), any costs not reimbursed constitutes a lien on the affected property upon the Regional Water Board's serving notice of the lien on the property owner and recordation of the lien.

**Performance Standards for
Property-wide Cleanup, Abatement and Remedial Action**

- 1. Site Maintenance, Erosion Control, and Drainage Features:**
- a. Roads shall be maintained (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
 - b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.
 - c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills.

Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected,¹ as feasible, from surface waters, including wetlands and ephemeral, intermittent and perennial streams.
- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and to have no apparent erosion or evidence of soil transport to receiving waters.

2. Stream Crossings:

- f. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- g. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- h. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- i. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to and in the channel and on the banks.
- j. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
- k. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

¹ Hydrologic connectivity refers to the length or proportion of a road or road network that drains runoff directly to streams or other water bodies. Any road segment that has a continuous surface flow path to a natural stream channel during a 'design' runoff event is termed a hydrologically connected road or road reach. Connectivity usually occurs through road ditches, road surfaces, gullies, rolling dips, water bars or other drainage structures or disturbed surfaces associated with roads.
(<http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf>)

² At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring, or equivalently effective means may be applied.

³ If infeasible to install a critical dip, an alternative solution may be chosen.

3. Riparian and Wetland Protection and Management:

- a. Avoid development or activities within 150 feet of Class I watercourses; 100 feet of Class IIs and wetlands; and 50 feet of Class IIIs. Implement additional Best Management Practices as necessary to prevent pollutant transport into receiving waters.
- b. Buffers between surface waters and anthropogenic pollutant sources shall be maintained at natural slope with native vegetation.
- c. Buffers between surface waters and anthropogenic pollutant sources shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

4. Spoils Management:

- a. Spoils⁴ shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

5. Chemical Use and Storage:

- a. Chemicals, including but not limited to diesel, biodiesel, gasoline, oils, fertilizers, pesticides, cleaning products, etc. shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

⁴ Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, and rock.

- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
- d. Dischargers shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.
- f. Use products in accordance with their labeling.
- g. Do not use products banned for use in California.
- h. Use and apply chemicals in a manner that minimizes the potential for spillage and/or transport or migration from the point of application.

6. Refuse and Human Waste:

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

7. Animal Wastes and Grazing (if/as applicable):

- a. Ensure that animal confinement and grazing areas and operations are sited, designed, constructed, operated, and maintained to prevent conditions of nuisance or adverse impacts to groundwater and surface water.
- b. Grazing shall be conducted in a manner that prevents, minimizes, and controls the discharge of waste to surface waters, including at watercourse crossings.

- c. Riparian area management shall allow natural establishment and growth of native vegetation for shade and cool stream temperatures and to prevent, minimize, and control surface erosion.
- d. Livestock shall be prevented from disturbing sediment discharge sites and other unstable features in and adjacent to watercourses including streambanks.
- e. Livestock are prevented from disturbing sediment discharge sites and other unstable features adjacent to watercourses.
- f. In confined animal areas, livestock shall be excluded from any watercourses and wetlands within or pass through the confined area.