

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

**DRAFT
Monitoring and Reporting Program
No. R3-2012-0006**

Waste Discharger Identification No. 3401011421
Place No. 775501
Proposed for Consideration at the February 1-2, 2012 Board Meeting

For

**CALIFORNIA VALLEY SOLAR RANCH
DISCHARGES OF FILL MATERIAL TO WATERS OF THE STATE
SAN LUIS OBISPO COUNTY, CALIFORNIA**

Monitoring and Reporting Program Order No. R3-2012-0006 (MRP) is issued by the Regional Water Quality Control Board, Central Coast Region (Water Board) pursuant to California Water Code (CWC) §13267. Pursuant to CWC §13268, a violation of §13267 requirements may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

The High Plains Ranch II, LLC (Discharger) owns and operates the California Valley Solar Ranch Discharges of Fill Material to Waters of the State (Project). The Discharger is subject to this MRP because it owns and operates the Project. The MRP is required to assess compliance with the CWC, applicable state and federal regulations, and Waste Discharge Requirements Order No. R3-2012-0006 (Order).

MONITORING

Visual

1. The Discharger must, during active construction, visually monitor all areas of the Project that include permanent and temporary impacts to waters of the state, at least once per month and after each rain event that produces 0.1 inches of rain or

more, to determine if Project implementation activities are meeting all conditions of this MRP and Order. Upon conclusion of active construction and for five years after, the Discharger must conduct visual inspections of impact areas immediately following the first three rain events each year that produce 0.5 inches of rain or more, as well as one dry season inspection each year. If the project area does not receive three rain events producing 0.5 inches of rain or more in a year, the Discharger must visually inspect the Project area at least four times per year.

2. The Discharger shall monitor the upstream side of the Array Security Fence (ASF) at streambed crossings to ensure that sediment and debris are not allowed to collect in these locations. The Discharger must conduct visual monitoring of the ASF after each rain event and a minimum of twice per year during the active construction period and for five years following the conclusion of active construction. The Discharger will inspect the ASF at all streambed crossings and any accumulated sediment, leafy or woody debris, tumbleweeds, trash, or other materials must be removed. During these inspections, the Discharger must also inspect for signs of erosion around the ASF posts. If the Discharger determines that erosion is occurring, the Discharger must immediately consult with Water Board staff on appropriate measures to repair the ASF, prevent continuing erosion, and prevent further release of discharged materials into waters of the State.
3. The Discharger must monitor all mitigation areas as described in the *California Valley Solar Ranch Project Off-Site Wetland Mitigation and Monitoring Plan, August 24, 2011* (Mitigation Plan).

Photo Monitoring

4. The Discharger must conduct photo monitoring of all permanent and temporary impact areas of the Project and associated mitigation sites.
5. The Discharger must conduct photo monitoring of all of the Project's permanent and temporary impact areas and associated mitigation areas at the same frequency as required for visual monitoring described in the Mitigation Plan.

REPORTING

General Requirements

1. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this MRP and Order, and records of all data used to complete the application for this MRP and Order. The Discharger shall maintain records for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Water Board.
2. The Discharger shall furnish to the Water Board, within a reasonable time, any information which the Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this MRP and/or Order. The Dischargers shall also furnish to the Water Board, upon request, copies of records required to be kept by this MRP and Order.
3. Where the Discharger becomes aware that they failed to submit any relevant facts or submitted incorrect information in a Report of Waste Discharge or in any report to the Water Board, it shall promptly submit such facts or information.
4. The Discharger shall report any discharge of waste that may endanger public health or the environment. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Any information shall be provided orally to the Water Board within twenty-four (24) hours from the time the Discharger becomes aware of the occurrence. Pursuant to CWC §13267(b), a written report shall also be submitted to the Water Board's Executive Officer within five (5) consecutive days of the time the Discharger becomes aware of the occurrence. The written report shall contain (a) a description of the noncompliance and its cause; (b) the period of the noncompliance event, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and (c) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
5. Should the Discharger determine that Project implementation activities are not meeting the conditions of this MRP and Order, the Discharger must immediately notify Water Board staff and correct Project implementation activities.

Annual Reporting

The Discharger will provide the Water Board with an annual report by December 31 of each year during active construction and for five years after the conclusion of active construction. The report must include:

6. A description of the condition of the Project area and mitigation areas based on visual monitoring as required by this MRP and as described in the Mitigation Plan.
7. A summary and description of the monitoring conducted at each ASF streambed crossing and the condition of each ASF streambed crossing, including photos (upstream, downstream, and at the crossings).
8. A description of any adverse conditions and either 1) proposed steps to correct the problems or 2) actions taken by the Discharger to correct the adverse conditions.
9. A compact disc that contains digital files of all the photos (jpeg file type or similar) and photo descriptions of each, for photo documentation required by this MRP.

Project Completion

10. Within thirty (30) days of project completion, the Discharger must submit a project completion report that contains a summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken by the Discharger. The Project Completion report must include properly identified post-project photos.

AMENDMENT REQUESTS

11. The Discharger must submit any request for amendment of the approved MRP in writing to the Water Board's Executive Officer. The Discharger may not modify operations until the Discharger has received written notification that the Water Board's Executive Officer has approved the amendment. If the Water Board's Executive Officer does not disapprove the requested amendment within forty-five (45) days of receiving the written notification, the changes to the approved MRP may be implemented as described in the requested amendment.

INFORMATION SUBMITTAL

12. The Discharger must submit monitoring data and reports electronically. The documents shall be in a searchable PDF format (less than 10 MG in size) and emailed to centralcoast@waterboards.ca.gov. PDF documents that exceed 10MB should be transferred to a disk and mailed to the Water Board at:

Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Roger Briggs, Executive Officer

Date