



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

May 30, 2018

Jiddu Tapia
Salka Energy
402 West Broadway, Suite 400
San Diego, CA 92109

Dear Mr. Tapia:

RE: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE SUMMIT WIND REPOWER PROJECT (SB16008IN)

Enclosed please find a CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER, authorized by The State Water Resources Control Board. This Order is issued to Jiddu Tapia, Salka Energy for the Summit Wind Repower Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by Altamont Winds LLC for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact me by phone at (916) 319-8287 or by email at Mark.Chin@waterboards.ca.gov. You may also contact Paul Hann, Chief of the Water Quality Certification and Wetlands Unit, by phone at (916) 341-5726 or by email at Paul.Hann@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Mark Chin".

Mark Chin
Environmental Scientist
Division of Water Quality – Water Quality Certification and Wetlands Unit
State Water Resources Control Board

Enclosures (1): Order for Summit Winds Repower Project

cc: [Via email only] (w/ enclosure):

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State Water Resources Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: May 30, 2018

Program Type: Fill/Excavation

Project Type: Alternative energy (Wind)

Project: Summit Wind Repower (Project)

Applicant: Altamont Winds, LLC

Applicant Contact: Jiddu Tapia
Chief Executive Officer
Salka Energy
402 West Broadway, Suite 400
San Diego, CA 92109
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Applicant's Agent: Todd Hopper
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State Water Board Staff: Mark Chin
Environmental Scientist
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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) 341-5478 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

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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 Altamont Winds, LLC (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on October 31, 2016. The application was determined complete on June 15, 2017. 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).

Table 1: Record of Notice(s) of Incomplete Application	
Date of Notice of Incomplete Application	Date all requested information was received.
11/29/2016	
3/16/2017	5/16/2017

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).

Table 2: Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
8/29/2017	11/7/2017

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from September 1, 2017 to September 21, 2017. The State Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project purpose is to provide greater electrical generation capacity, with lower environmental impacts, at an existing wind generation facility.

IV. Project Description

The Project involves installation of up to 26 replacement wind turbine generators (WTGs), with heights up to 499 feet above ground level, that will produce up to 54.5 megawatts of electricity. To support turbine installation and operation, the Project also includes clearing and grading of turbine pads, renovation and expansion of existing substations, installation of two meteorological instrument towers, rebuilding existing roads, construction of new road segments, and placement of underground and overhead electric connector and transmission lines. Prior decommissioning activities conducted at the site included cut-back and burial of

existing turbine foundations. The Project area is within an existing recently decommissioned wind site. As planned, the foundations were not fully excavated and removed. Therefore, the Project may include removal of existing below-grade turbine foundations on an as-needed basis.

To the extent possible, existing roads will be used for Project construction. Approximately 7.074 miles of new road segments will be constructed, and 4.847 miles of existing roads will be substantially improved to allow for transport of the large, heavy turbine components.

The power collection system will consist of medium-voltage, high-density, insulated underground cables that will connect the WTGs to two existing Project substations, which will be rebuilt, within the Project site. The underground collection cables will generally be buried in parallel trenches located adjacent to the roadbed of the interior access roads. Up to two new free-standing monopole meteorological towers will be installed as part of the Project. In addition, three temporary construction staging areas and a temporary concrete batch plant will be built.

V. Project Location

The Project area is located mostly within Alameda County, California, approximately 5 miles northeast of Livermore, 8 miles west of Tracy, and directly north of Interstate 580; a small portion of the Project extends north into Contra Costa County. The Project area is approximately 3,363 acres. The approximate centroid of the Project area is located at 37°45'08.42" north latitude and 121°41'11.94" west longitude.

The area containing the Project maintains winds at a level that support economically viable wind energy projects and is designated by the State of California and Alameda County as the Altamont Pass Wind Resource Area. 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 San Francisco Bay and Central Valley Regional Water Quality Control Boards (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/. 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

All direct impacts to waters of the state are associated with access road construction. In general, existing roadway horizontal and vertical geometry cannot accommodate the equipment transport vehicles required for Project construction deliveries. New access roads will be constructed (and existing roadway alignments will be redesigned) to gain access to the new turbine locations.

No temporary impacts to state waters are reported. Permanent impacts will result from the construction of new permanent access roads and improvement of existing roads across jurisdictional drainages. Within the Project boundaries, the new roadway system will use the existing road network to the greatest extent possible, and be designed to limit disturbance and to avoid sensitive resources to the extent possible. A total of six new culverts will be installed in accordance with Alameda County standards within jurisdictional features. Culverts are needed to protect the roadway from high stormwater flows along drainages that cross the new roadway.

Total Project fill/excavation quantities for all permanent impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area. This Order does not authorize any temporary impacts to waters of the state.

	Temporary Impact			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Riparian Zone				0.10		131			
Stream Channel				0.16		857			

VIII. Avoidance and Minimization

The Project road design avoids and minimizes impacts to waters by using the existing road network to the greatest extent possible and limiting new ground disturbance where feasible, and by avoiding sensitive resources to the extent possible. Project avoidance and minimization measures include construction Best Management Practices (BMPs) to avoid and control leaks, spills and discharges to water; erosion and sediment control measures; and restoration of temporary upland construction areas. Avoidance and minimization measures are described in the Project Mitigation Monitoring and Reporting Program (MMRP), dated November 6, 2015.

IX. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for the direct permanent impacts described in section VII. Additional details are provided in Section XIII.H.

X. California Environmental Quality Act (CEQA)

¹ Cubic Yards (CY); Linear Feet (LF)

On January 15, 2016, the County of Alameda Planning Department, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2010082063) for the Project and filed a Notice of Determination (NOD) at the SCH on March 3, 2016.

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 C.

XI. 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.

XII. Fees Received

An application fee of \$13,338 was received on October 24, 2016. Total Project fees are \$7,283. A refund of \$6,055 was processed on October 16, 2017. 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 for FY16/17.

XIII. 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 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 Permittee or an authorized representative.

1. Project Reporting

- a. Annual Reporting:** The Permittee shall submit an Annual Report each year on the Effective 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 person overseeing the Project 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.
- 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,² and no further Project activities will occur. This request shall be submitted to State Water Board staff person overseeing the Project within thirty (30) days following completion of all Project activities. Upon approval of the request, the 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.

a. Accidental Discharges of Hazardous Materials³

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
- 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.

² 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.

³ "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.)

- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the State Water Board staff person overseeing the Project 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/Dewatering**
- i. The Permittee shall notify the State Water Board staff person overseeing the Project at least forty-eight (48) hours prior to initiating work in water or stream diversions (as defined in condition XII.G.18). 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 person overseeing the Project.
 - iii. A monitoring plan and dewatering plan shall be submitted 30 days in advance. See section C. (3) and section G. (21) for monitoring plan and dewatering plan requirements.
- d. Modifications to Project:** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to State Water Board staff person overseeing the Project 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 staff person overseeing the Project 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 during work in waters, 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, State Water Board staff 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 sample (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 Notice of Project Complete Letter is issued by the State Water Board to ensure 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 State Water Board staff person overseeing the Project member overseeing the Project 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) (Altamont Winds LLC Summit Wind Repowering Project CEQA Implementation Checklist and Application Supporting Materials, November 6, 2015) which is incorporated herein by reference and any additional measures as outlined in Attachment C, 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, San Francisco Bay Regional Water Quality Control Board staffs, 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

Good Site Management "Housekeeping"

1. All materials and supplies necessary for implementing these construction conditions must be onsite and ready for use at the start of construction activity, and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.
2. Permittee is not authorized to discharge 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 applicant 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.
3. 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 the 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 until 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.
4. Waste containers shall be available and regularly serviced at all active construction sites. Waste containers shall be placed in appropriate upland sites, and not stored or placed in delineated waters of the state. No rubbish, waste material or waste containers shall be placed and maintained in a manner that could accidentally spill or discharge the contents into waters of the state.

5. 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.
6. The limits of Project disturbance identified in the Project construction plans must be clearly identified in the field with highly visible markers such as construction fencing or silt barriers prior to start of construction activities within waters of the state. 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.

Fugitive Dust

7. Dust abatement activities can cause discharges of sediment to streams and uplands through application of water. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. 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 person overseeing the Project.

Hazardous Materials

8. Hazardous fluid spill containment supplies shall be stockpiled on site in sufficient quantities to facilitate a quick response to any hazardous material leaks or spills.
9. Water containing mud, silt, or other pollutants from equipment washing or other activities must not be discharged to waters of the United States and/or waters of the state.
10. 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. When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the state.
11. A staging area for equipment and vehicle fueling and storage shall be designated at least one-hundred (100) feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.
12. Stationary equipment (motors, pumps, generator, etc.) and stored or parked vehicles shall be positioned over drip pans or other types of containment. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained on site at all locations where such equipment is used or staged.

13. All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.
14. Equipment working in delineated waters, including in areas protected by diversions, shall be removed from the delineated waters for fueling or service including maintenance whenever feasible. When use of stationary equipment that would require refueling or service in delineated waters is planned, BMPs for managing the additional risk posed by that refueling and service shall be developed and presented to State Water Board staff for approval. Such BMPs should include any additional precautions necessary to minimize and contain any potential spills and leaks.
15. If construction-related materials reach surface waters, appropriate spill response procedures must be initiated as soon as the incident is discovered. In addition, the State Water Board staff contact identified in this Order must be notified via email and telephone within twenty-four (24) hours of the occurrence.

Invasive Species and Soil Borne Pathogens

16. As required by Mitigation Measure BIO-2, the introduction or spread of noxious/invasive weeds or aquatic invasive species within the Project and staging areas shall be prevented.
17. Any vehicles arriving at the Project from any known soil borne pathogen area shall be thoroughly disinfected before entering any Project work area.

In-Water Work

18. The term "work in water" means any ground disturbing activities in any delineated waters of the state, including waters of the United States, that are permitted under this certification, regardless of the presence or absence of flowing or standing water. Work in water 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. In-water work activities must not cause water quality objectives of the receiving waters to be exceeded.
19. Areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity in or adjacent to delineated waters of the state which may result in a discharge to surface waters of the state, including ponded water, shall be dewatered before the activity starts. Appropriate BMPs for placement, operation and removal of diversion or isolation installations for site dewatering (e.g. diversion weirs, cofferdams) shall be used.
20. Except as permitted under the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval from State Water Board staff:
 - a. All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or

dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be removed until all disturbed areas are cleaned and stabilized. The diverted water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water flow (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized, whether that removal is for seasonal work cessation or for permanent removal at the end of the Project.

- b. Cofferdams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.
- c. Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-Project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-Project flows must be restored to the affected surface water body upon completion of work at that location.

Dewatering

- 21. The Permittee shall consult with the Regional Water Board to determine if additional permits are required for dewatering. If additional Regional Water Board permits are required, the designated State Water Board staff contact identified in this Order must be notified and copied on pertinent correspondence pertaining to those other required permits.

Roads

- 22. 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.
- 23. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- 24. Any structure or device, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate

upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the Permittee shall be responsible for restoration of conditions as necessary (as determined by the State Water Board and Regional Water Board) to secure passage of fish across the structure.

25. Stream-crossings must be designed and constructed to safely convey the flow from the 100-year, 24-hour storm event (including associated bed load and debris movement) and must not result in a change in floodway elevations of more than 12 inches. Stream-crossing structures must be properly aligned within the stream and otherwise engineered, installed, and maintained, to assure resistance to washout, and to prevent erosion and/or aggradation of the stream.
26. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

Sediment and Erosion Control

27. All erosion and sediment control materials and supplies must be on site and ready for use at the onset of construction activity, and must remain in supply and ready for use throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the onset of construction.
28. Appropriate soil erosion prevention and control BMPs shall be implemented throughout the construction and maintenance of the Project.
29. Severe rain may occur in any season. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state. Erosion and sediment control measures shall be used wherever transported sediment could enter waters of the state. Erosion and sediment control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Buildup of sediment behind sediment control structures (e.g., silt fences, wattles, etc.) shall be removed promptly and any breaches repaired at once. When sediment build-up is reported and treated, sediment sources shall be determined and preventive measures shall be taken to treat or eliminate those sources to the greatest extent practicable.
30. Erosion and sediment control materials and structures shall be implemented and maintained in accordance with manufacturers' specifications governing their proper installation, operation and maintenance.

H. Compensatory Mitigation for Permanent Impacts

1. Final Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with Compensatory Mitigation Plan for the Summit Wind Repower Project (Compensatory Mitigation Plan) dated November 7, 2017 and incorporated herein by reference. Any deviations from, or revisions to, the 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 within 90 days of authorized impacts.
- 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.

3. Total Required Compensatory Mitigation

- a. Total required Project compensatory mitigation for permanent physical loss of area is described below and summarized in Table 4.
- b. The Permittee is required to provide compensatory mitigation for the authorized impacts to the riparian zone by providing 0.30 acres of riparian zone re-establishment.
- c. The Permittee is required to provide compensatory mitigation for the authorized impacts to stream channel by providing 0.48 acres of stream channel re-establishment.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area ⁴								
Aquatic Resource Type	Comp Mit. Type ⁵	Units	Method ⁶					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	MB	Acres		0.30				
Stream Channel	MB	Acres		0.48				

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.

XIV. Water Quality Certification

I hereby issue the Order for the Summit Wind Repower Project SB16008IN, 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 Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

⁴ For Staff use only: Record quantities in CIWQS table side A for Compensatory Mitigation for Permanent Physical Loss of Area.

⁵ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

⁶ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

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

5/24/2018

Date

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

