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ENVIRONMENTAL PROTECTION

State Water Resources Control Board

WATER QUALITY ORDER NO. 2019-0011-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: May 20, 2019

Program Type: Fill/Excavation

Project Type: Roads and Highways

Project: Walt Ranch Vineyard Phase I (Project)

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Table of Contents

I. Order 3

II. Public Notice 3

III. Project Purpose..... 4

IV. Project Description 4

V. Project Location..... 4

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 6

XI. California Environmental Quality Act (CEQA) 6

XII. Petitions for Reconsideration..... 6

XIII. Fees Received 6

XIV. Conditions 6

XV. Water Quality Certification19

- Attachment A** CEQA Findings of Fact
- Attachment B** Project Maps
- Attachment C** Impacts and Receiving Waters
- Attachment D** Reporting and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviations

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) and attachments A through F are issued at the request of Hall Brambletree Associates, LP (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 June 27, 2017. The application was deemed complete on November 1, 2017. Prior to receiving a complete application, State Water Board staff issued two notices 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.
7/27/2017	8/24/2017
9/22/2017	10/10/2017

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.
1/17/2018	5/16/2018
3/1/2019	3/4/2019
3/7/2019	3/8/2019

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from December 11, 2017 to December 31, 2017. The State Water Board received one (1) comment regarding the Project during the twenty-one (21) day comment period. The comment was related to post-construction stormwater management; monitoring and performance standards for mitigatory vegetation planting; and geomorphic monitoring requirements for new streambed crossings. Some of the post-construction stormwater management comments were not applicable because the Project is not creating new impervious surfaces. In addition, the Permittee has included numerous Best Management Practices and stormwater controls that would typically be found in a stormwater management plan in the Walt Ranch Erosion Control Plan and the Walt Ranch Road Sedimentation and Erosion Potential Evaluation (Walt Ranch Road Plan). The Mitigation, Monitoring, and Reporting Plan was revised to address the monitoring concerns. Public notice regarding the Environmental Impact Report (EIR) is described in Attachment A, CEQA Findings of Fact.

III. Project Purpose

The purpose of the Project is to allow for access to the Walt Ranch Property for the future use of vineyard cultivation on the property.

IV. Project Description

The Walt Ranch Property is currently dominated by natural land cover types, including oak woodland, chaparral/scrub, grassland, and some riparian woodland. Portions of the site have also been used as agricultural cropland and rangeland. In order to develop the property as a new vineyard, the Applicant will perform a number of temporary and permanent erosion control measures on-site, including the improvement of existing roads and stream crossings to access the new vineyard areas. Select existing road segments will be realigned, which will require four rocked creek crossings within the Capell Creek watershed and twelve rocked creek crossings within the Milliken Creek watershed.

V. Project Location

The Project is located on the Walt Ranch property in unincorporated Napa County, approximately nine miles northeast of the City of Napa. The Project site coordinates are 38°24'43" N, 122°13'55" W. Maps showing the Project location is found in Attachment B of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) and the Central Valley Regional Water Quality Control Board (Central Valley Water 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 Plans) 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 C. Table 1 of Attachment C 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 C.

VII. Description of Direct Impacts to Waters of the State

The project will create or upgrade four rocked creek crossings within the Capell Creek watershed and twelve rocked creek crossings within the Milliken Creek watershed. These crossings will result in permanent streambed impacts to waters of the United States.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 3: Total Project Fill/Excavation Quantity ¹									
Aquatic Resource Type	Temporary Impact ²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel				0.036		336			
Vernal Pool									
Wetland									

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. The Project will allow vehicular access throughout the Walt Ranch Property, including in waters of the United States and waters of the state, which could result in sediment, vehicular fluids, and other contaminants associated with low-speed vehicle travel. The larger Walt Ranch Phase I Development Project will also result in the creation of a new vineyard on the property. Indirect impacts from agricultural operations, including but not limited to nutrients, pesticides, and nitrates, may also affect water quality. However, as described below in Section X, Compensatory Mitigation, the rocked crossings have been designed to decrease sediment load and increase water quality compared to current on-site conditions

IX. Avoidance and Minimization

Project avoidance and minimization measures include erosion and sediment control measures; construction Best Management Practices (BMPs) to avoid and control leaks, spills, and accidental discharges to water; and measures to avoid sensitive and protected habitats and species. These measures are presented in the Project Mitigation and Monitoring Plan, revised in October 2017, and further discussed in Attachment A, CEQA Findings of Fact.

¹ Cubic Yards (CY); Linear Feet (LF)

² 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.

X. Compensatory Mitigation

No compensatory mitigation was required for permanent impacts because each crossing has been designed to ensure that there will not be an adverse impact to existing aquatic resource functions and services, including groundwater recharge, surface flows, and wildlife movement. In addition, the combination of road construction and road decommissioning would reduce the length of roads on site from 21 miles to 17.4 miles. The Walt Ranch Road Plan³ determined that present, pre-project site conditions would contribute 20,533 cubic yards of sediment into the stream systems over two decades. The Project would reduce this sediment load to 96 cubic yards over the same amount of time. In addition, the Project would decommission 194 square feet of existing crossings and create 180 square feet of new rocked crossings. This would result in a net gain of 14 square feet of aquatic resource area. The State Water Board has determined that this gain in aquatic resource area and decrease in sediment load would justify the decision to not require compensatory mitigation for the Project.

XI. California Environmental Quality Act (CEQA)

On March 1, 2016, the County of Napa, as lead agency, certified an EIR (State Clearinghouse (SCH) No. 2012102046) for the Project and filed a Notice of Determination (NOD) at the SCH on December 27, 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 A.

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 \$720 was received on June 1, 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.

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.

³ Bill Birmingham, Conservation Project Manager of the Napa County Resource Conservation District (RCD)

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. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report (Attachment D, Type 1) to the State Water Board on the 20th of each month. Monthly reporting shall continue until the State Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report (Attachment D, Type 2) each year on May 20. 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 (Attachment D, Type 3) at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter (Attachment D, Type 4):** 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 (Attachment D, Type 5):** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,⁴ and no further Project activities will occur. This request shall be submitted to State Water Board staff 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.

⁴ 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. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁵

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 (Attachment D, Type 6).

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 (Attachment D, Type 7).

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.

⁵ "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.)

- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report (Attachment D, Type 8) must be submitted to State Water Board staff.
- 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 (Attachment D, Type 9). The Permittee shall inform State Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. For minor modifications, notification may be made in accordance with conditions in Section XIV.I, Certification Deviation, 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 (Attachment D, Type 10). 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. The purchaser must also submit a written request to the State Water Board to be named as the permittee in a revised order.
 - 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 long-term 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 (Attachment D, Type 11) 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:** 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.

3. In-Water Work or Diversions:

Water quality monitoring shall be in conformance with the monitoring plan dated May 4, 2018.

During planned work in water any discharge(s) to waters of the state shall not cause or contribute to an exceedance of the following water quality objectives in the affected waters of the state:

- a.** Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
- b.** Dissolved oxygen levels shall be 7.0 mg/L at minimum. The monthly median of the mean daily dissolved oxygen concentration shall not fall below 85 percent of saturation in the main water mass, and the 95 percentile concentration shall not fall below 75 percent of saturation.
- c.** The pH shall not be depressed below 6.5 nor raised above 8.5. Controllable water quality factors shall not cause changes greater than 0.5 units in normal ambient pH levels.
- d.** Activities shall not cause turbidity increases in surface water to exceed:
 - Where natural turbidity is less than 1 NTU, controllable factors shall not cause downstream turbidity to exceed 2 NTU.
 - Where natural turbidity is between 1 and 5 NTU, increases shall not exceed 1 NTU.
 - Where natural turbidity is between 5 and 50 NTU, increases shall not exceed 20 percent.
 - Where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU.
 - Where natural turbidity is greater than 100 NTU, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the State Water Boards.

- e. The natural receiving water temperature shall not be altered unless it can be demonstrated to the satisfaction of the State Water Board that such alteration in temperature does not adversely affect beneficial uses. Temperature shall not be increased by more than five degrees Fahrenheit (2.8 degrees Celsius) above natural receiving water temperature.

Sampling shall be conducted in accordance with Table 4 sampling parameters in a manner that is consistent with the baseline monitoring conducted under the Project's Water Quality Monitoring Program.⁶

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	Every 4 hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours

4. **Post-Construction:** Visually inspect the Project site during the rainy season for five years 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 the State Water Board staff 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 (Attachment D, Type 7). 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.

⁶ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by State Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

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. 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.
4. 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.
5. The Permittee shall adhere to all requirements in the Walt Ranch Property Phase I Mitigation and Monitoring Plan revised October 2017, which is incorporated herein by reference and any additional measures as outlined in Attachment A, CEQA Findings of Fact.

F. Administrative

1. 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.
2. The Permittee shall grant State Water Board staff, [List all applicable Regional Boards] San Francisco Bay Water Board and Central Valley Water 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.
3. 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.
4. 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.
5. 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.
6. The Permittee shall submit a signed copy of the U.S. Army Corps of Engineers’ section 404 permit to the State Water Board staff immediately upon issuance and prior to any discharge to waters of the state.

G. Construction**Fugitive Dust**

1. Dust control activities shall be conducted in such a manner that will not produce runoff into waters of the state.

Good Site Management “Housekeeping”

2. All construction work related to rock crossings will be performed during the dry season months, and when stream beds are dry and no water is standing or flowing within the work area.
3. Temporary construction fencing and similar markings will be installed around the limits of each stream bed crossing’s work area to minimize disturbance during construction activities (primarily the up and downstream edge of the crossing).
4. Where impacts have not been approved, construction equipment, materials, vehicles, and personnel must not enter waters of the state.
5. The contractor will be responsible to locate and verify any underground utilities that may exist within each work area prior to performing work.
6. Environmental awareness training will be performed for every worker onsite to discuss avoidance and minimization measures, sensitive and protected habitats/species, and safety.

Hazardous Materials

7. Construction material, debris, spoils, soil, silt, sawdust, rubbish, steel, other organic or earthen material, or any other substances that could be hazardous to aquatic life resulting from project related activities shall be prevented from entering waters of the state.
8. Portable restrooms must be present, have spill containment, and kept in a clean condition during construction activities.
9. 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.
10. Stationary equipment (motors, pumps, generator, etc.) and vehicles not in use shall be positioned over drip pans or other types of containment. Fuel and hydraulic fluid spill containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained onsite at all locations where such equipment is used or staged to facilitate a quick response to fuel or hydraulic fluid spill emergencies.
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. The discharge of petroleum products or other excavated materials to waters of the state is prohibited.
13. At no time shall any vehicle or equipment which leaks any substance that may impact water quality be used.

14. Project activities shall not cause visible oil, grease, or foam in the work area or downstream.
15. Discharge of wastewater (e.g., water that has contacted uncured concrete or cement, or related washout) to surface waters, ground waters, or land not explicitly authorized under this Order is prohibited.

Invasive Species and Soil Borne Pathogens

16. The introduction or spread of noxious/invasive weeds or aquatic invasive species within the project and staging areas shall be prevented. Measures may include, but are not limited to, the treatment of on-site infestations and the cleaning of all equipment and gear that has been at an infested site.

In-Water Work

17. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize disturbances that will adversely impact the water quality of waters of the state.
18. No equipment shall be operated in areas of flowing or standing water.
19. Construction materials and heavy equipment must be stored outside of the active flow of any water of the state.
20. When work within waters of the state is necessary, the entire stream flow shall be diverted around the work area.
21. In the event of rain, the disturbed in-water work area shall be temporarily stabilized before water body flow exceeds the capacity of the diversion structure. The disturbed water body shall be stabilized so that the disturbed areas will not come in contact with the flow.
22. Once construction is completed, all project-introduced material (e.g. pipe, gravel, cofferdam, sandbags, etc.) must be removed, leaving the water of the state as it were before construction. Excess materials shall be disposed of at an appropriate disposal site.
23. Creosote-treated wood products or any other treated wood products that are highly flammable and/or toxic to aquatic life shall not be installed in waters of the state.
24. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow shall not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., cofferdam, geo-textile silt curtain) shall not be removed until all disturbed areas are cleaned and stabilized.
25. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.

Roads

26. 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 goal. Routes and boundaries will be clearly demarcated.
27. The existing roads will be used as haul routes to each proposed rocky crossing. Equipment will not be allowed to diverge from these roads except when working within the construction limits delineated by temporary construction fencing.
28. Tracking control, such as the use of tread plates will be used over stream crossings when using heavy equipment as to not damage the integrity of the stream.

Sediment Control

29. Where areas of bare soil are exposed during the rainy season, silt control measures shall be used where silt and/or earthen fill threaten to enter waters of the state. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Buildup of soil behind silt fences shall be removed promptly and any breaches of undermined areas repaired at once.
30. Depending on crossing conditions and extent of earthwork disturbance to adjacent uplands, straw wattles will be installed, per manufacture recommendations, parallel to existing drainages to prevent sheet flow discharge of sediment into existing streams and other water bodies.

Special Status Species

31. Pre-construction surveys for nesting birds and special-status species will be performed by a qualified biologist before the start of work per mitigation measures required in the EIR.
32. Since the Project may affect the threatened California Red-Legged Frog, the Permittee will implement the conservation measures outlined in the United States Fish and Wildlife Service (USFWS) Biological Opinion for the Project.

Stabilization/Erosion Control

33. 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 waters of the state.
34. No construction related wastes, debris, oil, or petroleum products shall be allowed to enter into waters of the state, or be placed where it may be washed by rainfall or runoff into 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.
35. All disturbed areas of the project site shall be provided with effective erosion and sediment control measures both during and after completion of construction.

- 36.** Erosion and sediment control measures shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events.
- 37.** Erosion and sediment control measures and other construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.
- 38.** No construction activities shall be conducted within waters of the state during a rainfall event. After any rain event, the discharger shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. A 72-hour clear weather forecast from the National Weather Service shall be maintained before conducting any operations within waters of the state.
- 39.** If rain is predicted after operations have begun, grading and project activities must cease immediately, and the site must be stabilized to prevent impacts to water quality and to minimize erosion and runoff from the site.
- 40.** All areas disturbed by project activities shall be protected from washout or erosion.
- 41.** Control measures for erosion, excessive sedimentation and turbidity shall be implemented and in place at the commencement of, during and after any ground clearing activities, excavation, or any other project activities that could result in erosion or sediment discharges to waters of the state.
- 42.** Erosion control blankets, liners with berms, and/or other erosion control measures shall be used for any stockpile of excavated material to control runoff resulting from precipitation and prevent material from contacting or entering waters of the state.
- 43.** BMPs to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 44.** Disturbance or removal of vegetation shall not exceed the minimum necessary to complete project implementation.
- 45.** A supply of erosion control materials shall be onsite to facilitate an immediate response to unanticipated storm events.
- 46.** Erosion Control BMPs will be staged in the staging areas during all construction activities.
- 47.** The Applicant shall implement the appropriate Erosion and Sediment Control Measures at each crossing as specified in Tables 10 and 11 of the Walt Ranch Property Phase I Mitigation and Monitoring Plan.

Storm Water

48. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include an effective combination of erosion and sediment control BMPs, which must be implemented and adequately working prior to the rainy season and during all phases of construction.

49. The Permittee must submit to the State Water Board a copy of a long-term BMP maintenance plan that complies with BMP manufacturer specifications. The Permittee assumes responsibility for the inspection and maintenance of all structural BMPs.

H. **Ecological Restoration and Enhancement:** The quantity of waters of the state permanently gained by the Project is shown in Table 5.

Table 5: Total Ecological Restoration and Enhancement Quantity ⁷							
Aquatic Resource Type	Res. ⁸ Type	Units	Method ⁹				
			Est.	Re-est.	Reh.	Enh.	Pres.
Stream Channel	PR	Acres		0.005		0.035	
Stream Channel	PR	LF				336	

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 F. 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

⁷ For Staff use only: Record quantities in CIWQS mitigation/restoration table side B for mitigation for temporary impacts and for permanent degradation of ecological condition; ecological restoration/enhancement projects.

⁸ Restoration (Res.)

⁹ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.).

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 Walt Ranch Vineyard Phase I project, (SWRCB ID SB17031IN) 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).

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

5/20/19

 Date

- Attachment A** CEQA Findings of Fact
- Attachment B** Project Maps
- Attachment C** Impacts and Receiving Waters
- Attachment D** Reporting and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviations