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GOVERNOR



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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

**WATER QUALITY ORDER NO. WQ 2021-XXXX-DWQ WASTE DISCHARGE
REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY
CERTIFICATION**

Effective Date: **Date Signed**

Expiration Date: **Expiration Date**

Reg. Meas. ID: 443253
Place ID: 873672
WDID No.: SB21008IN
USACE No.: SPN-2021-00211

Program Type: Fill/Excavation

Project Type: Roads and Highways

Project: Sonoma County Pavement Preservation Program (Project)

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Applicant: Sonoma County Department of Transportation and Public Works

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DRAFT

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I. Order

This Order for Waste Discharge Requirements and Clean Water Act section 401 Certification (Order) is issued at the request of Sonoma County Department of Transportation and Public Works (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee.

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. 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.

The application was received on February 22, 2021. The application was deemed complete on May 10, 2021. Prior to receiving a complete application, Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

Date of Notice of Incomplete Application: **April 22, 2021**

Date all requested information was received: **May 10, 2021**

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:

Date of Request for Supplemental Information: **April 27, 2021**

Date all requested information was received: **June 11, 2021**

A certification request as defined by 40 CFR, section 121.5 was received on June 8, 2021.

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from May 4, 2021 to May 25, 2021. The State Water Board did not receive any comments during the comment period. Notice of the draft order was provided pursuant to Water Code section 13167.5 from [xx] to [xx].

III. Project Purpose

The proposed Project consists of pavement rehabilitation on existing roadways, culvert repair and replacement, guard rail removal and replacement, roadside ditch maintenance, bike route signage installation, and curb ramp improvements to meet current Americans with Disability Act (ADA) standards, as needed. Improvements associated with the proposed Project span approximately 27 miles of roadway along Greger Street, Hyde Road, Lawndale Road, MacArthur Street, Riverside Drive,

Thomson Avenue, Bloomfield Road, Hessel Road, Jewett Road, Labath Road, Lone Pine Road, West Railroad Avenue, Whistler Avenue, Aptos Court, Brighton Court, Brighton Drive, Carriage Court, Carriage Lane, Chelsea Drive, Darbster Place, North Dorchester Ct, Dorchester Court, North Dover Court, South Dover Court, Jean Marie Drive, Katie Lee Way, Lambert Drive, Londonberry Drive, Los Gatos Court, Newport Place, Oxford Court, Pacific Hieghts Drive, Paulette Place, Ramsgate Court, Ursuline Road, Wembley Court, Willowgreen Place, North Fitch Mountain Road, South Fitch Mountain Road, Bay Hill Road, Cazadero Highway, Gold Ridge Road, Main Street, Rio Nido Road, and Todd Road.

IV. Project Description

Program project work, as needed, may include replacement of failing cross culverts and minor ditch cleaning along Program roads. Other activities may also include adjusting utility covers, replacing signal loops and pedestrian crossings, replacing guard rails, applying striping, installing delineators, installing ADA improvements, installing new shoulder backing, and constructing asphalt dikes, and installation of signage. Minor clearing and grubbing at the edge of pavement may be performed as needed. Tree trimming may be necessary to allow for program work. Such activities may require excavation near water ways or anthropogenic drainage features.

V. Project Location

Address: Multiple locations throughout Sonoma County

County: Sonoma

Assessor's Parcel Number(s): N/A; work will occur in road and right-of-way

Nearest City: Santa Rosa, CA

Latitude: 38.613157° and Longitude: -122.841135°

Maps showing the Project locations are 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 and North Coast 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 Plans). The plans for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/). 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 are shown in Tables 2 and 3 of Attachment B.

VII. Description of Direct Impacts to Waters of the State

Pavement preservation is proposed for 49 existing roadway segments. Two types of preservation treatments shall be applied: an asphalt concrete overlay only (Overlay) and a Full Depth Reclamation (FDR) with an overlay. Overlay includes removal and replacement of an approximately 0.25-foot layer of asphalt concrete over the existing roadway surface.

Activities relevant to this permit application include culvert replacement and cleaning ditches where waters conveyed by culverts and ditches are jurisdictional waters of the state. Culvert replacement would require excavation into the roadway for a length and width necessary to remove the existing section of culvert underneath the road, and replacement with in-like kind pipe.

The area excavated beneath the road shall be backfilled, compacted, and then refinished as part of the pavement rehabilitation work. The inlet and outlets of the replaced culverts would be graded to match the existing ditches. Two (2) culverts conveying jurisdictional waters (IPD 1 and ED 2) shall receive rock slope protection at their outfall resulting in permanent impacts.

Ditch cleaning shall remove accumulated debris or overgrown vegetation and reestablish flow lines. Ditch maintenance shall include mowing overgrown vegetation and removal of accumulated debris to reestablish flow lines in roadside ditches.

Permanent impacts to waters of the state will result from the placement of rock slope protection fill at the outlets of two of the replaced culverts. See project plans for location and depiction of impacts and waters attachment table for location and quantification of impacts.

Temporary impacts to waters of the state will result from the temporary removal of culverts for the length of the water conveyed by the culvert and the cleaning of ditches to restore flow lines for the area of the water within the project area. See project plans for location and depiction of impacts and waters attachment table for location and quantification of impacts.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.070		1517
Wetland	0.420		

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.008		30

VIII. Description of Indirect Impacts to Waters of the State

The Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect impacts include disturbances related to construction including dust, and suspension of sediment in runoff due to temporary ground disturbance. These indirect impacts shall be addressed by conducting work in the dry season and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

IX. Avoidance and Mitigation

No alternatives analysis is required for the Project. Avoidance and minimization measures have been adopted in the conditions set forth in Section XIII.

X. California Environmental Quality Act (CEQA)

The Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, Title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, section(s) 15301 Existing Facilities and 15302 Replacement or Reconstruction.

Additionally, the Water Board concludes that no California Code of Regulations, Title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

The Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., Title 14, section 15062.)

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the 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 \$2,066.00 was received on May 10, 2021. 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 E - Low Impact Discharges (Fee Code 87) with the dredge and fill fee calculator. An annual fee shall also be submitted by Sonoma County as set forth in section 2200.

XIII. Conditions

Specific condition justifications required by Title 40, Code of Federal Regulations (CFR) Part 121.7(d)(1) are provided below each condition, or set of conditions, in *italic text*.

These conditions are generally required to comply with the state's Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Board Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to U.S. EPA, dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with U.S. EPA's section 404(b)(1) Guidelines. The State Water Boards adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

The 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 Tables 1 and 2.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that the impacts to waters are not greater than what is proposed in the application. Larger impacts lead to a greater potential for adverse impacts on water quality. Water Code section 13264 prohibits any discharge that is not specifically authorized in this order.

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 C, 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 C, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Water Board by the 15th day of the month following each reporting period. Monthly reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on or before the anniversary of the Project effective date each year. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that the project is implemented as approved, including compliance with monitoring and reporting requirements authorized by Water Code sections 13267 and 13383. If the Project is not implemented as approved in this Order, then adverse impacts on water quality and beneficial uses could occur.

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.

This condition protects water quality by ensuring that the Permittee is implementing the Project within the proposed work windows, which avoids and minimizes adverse impacts on water quality and beneficial uses. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

- b. 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, and no further Project activities will occur. This request shall be submitted to Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the 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. Completion of post-construction monitoring shall be determined by Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that the project is implemented as approved, that temporary impact sites have been restored, and the Project area is stable. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383. The State Water Board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements. (Wat. Code, § 13383.) The State Water Board may also investigate the quality of any waters of the state within its jurisdiction. (Wat. Code, § 13267.)

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials²

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 13271):

² "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 & Safety Code, Section 25501.)

- 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 the [Office of Emergency Services' Accidental Discharge Notification Web page](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

This condition is necessary to assure that the discharge will comply with water quality requirements because it gives the Permittee a series of steps to follow if there is a spill to mitigate damage to water quality and beneficial uses. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

b. Violation of Compliance with Water Quality Standards:

- i. The Permittee shall notify the Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

This condition is necessary to assure that the discharge will comply with water quality requirements because it alerts the Water Board to events that cause violations of water quality standards, which allows the Water Board to assess the cause of the issue and require remediation if necessary. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

c. In-Water Work and Diversions:

- i. The Permittee shall notify the Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, 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 Water Board staff.

This condition is necessary to assure that the discharge will comply with water quality requirements by alerting the Water Board when in water work and/or stream diversions will be taking place and requiring the permittee to monitor water quality while those activities are taking place. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

d. Transfer of Long-Term BMP Maintenance:

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the 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 Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that long term erosion control and water quality measures are being adequately maintained, even if not by the original permittee. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

C. Water Quality Monitoring**1. General:**

If surface water is present, continuous visual monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete).

This condition is necessary to assure that the discharge will comply with water quality requirements because it requires the Permittee to visually monitor for clear signs of water quality degradation. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383. The anticipated costs are minimal as the reporting obligations require only visual monitoring.

2. In-Water Work or Diversions:

The Project shall not involve include any dewatering, work in standing or flowing water, and/or constructing diversions of water.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that the Project adheres to the Project activities as described in the application. (Wat. Code, § 13264.)

3. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Water Board in accordance with XIV.B.3. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that corrective actions required to minimize the impact or clean up such discharges can be taken as soon as possible. (Wat. Code, §§ 13267, 13383.)

4. Post-Construction:

Visually inspect Project sites during the rainy season following completion of all construction activities for two years or, for fully paved impact sites, until all disturbed areas are returned to a paved or hardened state, 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 Water Board staff member overseeing the Project within three (3) working days. The 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.

This condition is necessary to assure that the discharge will comply with water quality requirements because it requires visual monitoring for clear signs of water quality degradation. (Wat. Code, §§ 13267, 13383.) The anticipated costs are minimal as the reporting obligations require only visual monitoring.

D. Standard Conditions

Each standard condition in Section XIV.D is necessary to assure that any discharge authorized under the general license or permit will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United

States. California Code of Regulations, title 23, Chapter 28 sets forth regulations pertaining to water quality certifications for point source discharges to waters of the United States. Each condition in Section XIV was included to comply with section 3860, which sets forth conditions that must be included in all water quality certifications.

1. 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.
2. 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.

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.

This condition protects water quality by stating that the Project must not violate water quality standards or impair beneficial uses. (State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), Section IV.B.1. See Resolution 2021-0012 and 2019-0015.)

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 Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

This condition protects water quality by stating that the Project must not violate water quality standards or impair beneficial uses. (Dredge or Fill Procedures, Section IV.B.1.)

3. In response to a suspected violation of any condition of this Order, the 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, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be

obtained from the reports. 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.

This condition is necessary to assure that the discharge will comply with water quality requirements because additional monitoring may be necessary to ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law. (Wat. Code, §§ 13267, 13383.)

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.

This condition protects water quality by ensuring that the Project is implemented as proposed and approved. (Wat. Code, § 13264.) Deviations from the approved plans and practices could result in adverse impacts to water quality.

5. **Construction General Permit Requirement:** The Permittee shall submit a copy of and 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), as amended, for discharges comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that projects that meet the size requirements for the Construction General Permit get coverage under that permit. (40 CFR § 122.26(a)(9)(B).)

F. Administrative

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

This condition is authorized by Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Water Boards, under penalty of perjury, any technical or monitoring

program reports as required by the Water Boards. The signatory requirements are consistent with 40 C.F.R. section 122.22.

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 & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 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.

This condition is necessary to assure that the discharge will comply with water quality requirements because it ensures that Project impacts do not result in significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites. (Dredge or Fill Procedures, Appendix A, §230.10(b).)

3. The Permittee shall grant Water Board staff, North Coast and San Francisco Regional Water Quality Control 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.

These conditions protect water quality by allowing the Water Boards, or a representative, to investigate site conditions to ensure that the Project is compliant with this Order. (Wat. Code, §§ 13267, 13383.)

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.

This condition protects water quality by requiring the Permittee to distribute this Order to all entities working on the Project so that they are aware of the Order conditions and can conduct the work accordingly. (Wat. Code, § 13263.)

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.

This condition protects water quality by requiring that all construction personnel are familiar with the contents of this Order and that the Order must be kept at Project sites for easy access and reference. Being familiar with the Order and having it on site will allow the personnel to complete work in accordance with the conditions of the Order. (Wat. Code, § 13263.)

6. **Lake or Streambed Alteration Agreement:** The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Water Board immediately upon execution and prior to any discharge to waters of the state.

This condition protects water quality by avoiding and minimizing any adverse impacts on the aquatic ecosystem cause by the discharge. (Dredge or Fill Procedures, Appendix A, §230.10; Cal. Code of Regs., tit. 23, § 3856(e))

G. Construction

1. Dewatering

- a. All temporary dewatering/diversion methods shall be designed to isolate the immediate work area and to have the minimum necessary impacts to waters of the state.

This condition protects water quality by requiring the Permittee to minimize the Project's footprint in waters. (Dredge or Fill Procedures, Section IV.B.1.)

- b. All dewatering/diversion facilities shall be installed such that natural flow is maintained upstream and downstream of Project areas.

This condition protects water quality by requiring Permittee to maintain streamflow upstream and downstream of the Project area while diversions are in place. Stream flow is important for maintaining beneficial uses and

water quality parameters such as dissolved oxygen and temperature. (Dredge or Fill Procedures, Section IV.B.1.)

- c. Any temporary dams or diversions shall be installed such that the dewatering/diversion does not cause sedimentation, siltation, or erosion upstream or downstream of Project areas.

This condition protects water quality by requiring that diversions do not affect flow velocity or rate and do not affect natural sediment transport functions of streams. Sedimentation or erosion related to diversions could cause long term instability of the Project reach and lead to short- and long-term impacts to water quality and beneficial uses. (Dredge or Fill Procedures, Section IV.B.1.)

- d. All dewatering/diversion methods shall be removed as soon as practicable upon completion of dewatering/diversion activities.

This condition protects water quality by requiring the Permittee to remove dewatering/diversion equipment and structures as soon as practicable after they are no longer needed. The longer that diversions and dewatering equipment are in place, the greater the potential for them to fail, be overwhelmed, or otherwise cause water quality degradation. (Dredge or Fill Procedures, Section IV.B.1.)

- e. In the event of rain, any in-water work area shall be temporarily stabilized before stream flow overtops or overwhelms the diversion structure. The stream bed shall be stabilized so that the disturbed areas will not come in contact with stream flow.

This condition protects water quality by requiring the Permittee to stabilize the streambed behind diversions before they are overwhelmed. If stream flow is allowed over exposed and non-stabilized work areas this would lead to erosion of the site, downstream sedimentation, and long-term instability of the project reach that could lead to further degradation of water quality and beneficial uses. (Dredge or Fill Procedures, Section IV.B.1.)

- f. The Permittee shall not use or allow the use of erosion control products that contain synthetic materials within waters of the state at any time, except for plastic sheeting used in water diversion and dewatering activities. The Permittee shall first request approval from the State Water Board if an exception from this requirement is needed for a specific location.

This condition protects water quality by limiting the use of synthetic materials. Synthetic, non-biodegradable materials used in erosion control products are persistent in the environment. When they do break down, they break down into smaller and smaller pieces of the original material, which can have adverse effects on water chemistry and fauna. Due to

their potential effects on water quality and the environment these synthetics should be avoided where not necessary. (Dredge or Fill Procedures, Section IV.B.1.)

- g. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses.

This condition protects water quality by requiring the permittee to minimize impacts to beneficial uses of waters of the state. (Dredge or Fill Procedures, Section IV.B.1.)

2. Fugitive Dust

- a. If dust suppression measures are utilized, they shall be performed such that they do not result in a discharge to waters of the state.

This condition protects water quality by ensuring that the Permittee does not discharge sediment or other wastes into waters while performing dust suppression activities. (Dredge or Fill Procedures, Section IV.B.1.)

3. Good Site Management “Housekeeping”

- a. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

Removal of vegetation within and adjacent to waters results in a higher water quality degradation through erosion, decreased shading, decreased riparian buffering, decreased allochthonous nutrient and habitat inputs, and other pathways. Limiting this vegetation removal to the minimum necessary to complete the Project is protective of water quality. (Dredge or Fill Procedures, Section IV.B.1.)

- b. Where temporary or permanent impacts have not been approved, construction vehicles must not enter waters of the state.

Vehicles operating within waters that are outside of the approved Project boundary will lead to water quality impacts that were not proposed and which are not authorized by this Order. (Wat. Code, § 13264, Dredge or Fill Procedures, Section IV.A.2.d.)

- c. When no longer needed, all construction-related equipment, materials, and temporary BMPs shall be removed from Project sites.

The longer equipment and other unneeded materials are left on site the higher the likelihood of a leak, spill, or other unintended impact becomes. Removing these materials from site as soon as they are no longer needed is protective of water quality. (Dredge or Fill Procedures, Section IV.B.1.)

- d. All imported riprap, rocks, and gravels that are used shall be prewashed.

Imported rock materials have the potential to harbor unwanted and detrimental invasive species, pathogens, sediments, compounds, etc. Requiring these materials to be washed before being brought to, and used on, site is protective of water quality. (Dredge or Fill Procedures, Section IV.B.1.)

4. Hazardous Materials

- a. Prior to use in waters of the state, all equipment shall be cleaned of any substances that are detrimental to water quality.

Equipment can harbor the same detrimental substances as the rock materials noted above. Motorized equipment can also introduce petroleum products and other compounds into waters. Requiring that equipment be cleaned of these detrimental substances before being used in waters is protective of water quality. (Dredge or Fill Procedures, Section IV.B.1.)

- b. Operation and storage of vehicles and equipment shall not result in a discharge or threatened discharge of oil, grease, other petroleum products, or any other waste that may be detrimental to the quality of waters of the state.

Petroleum products and other waste materials that may leak, leach, or fall from equipment may be detrimental to water quality. This condition protects water quality by ensuring that these materials are not discharged to waters of the state when equipment is being used or stored. (Dredge or Fill Procedures, Section IV.B.1.)

- c. Vehicles and equipment that operate in waters of the state shall be regularly inspected for leaks. At no time shall the Permittee allow the use of any vehicle or equipment that leaks any substance possibly detrimental to water quality.

Fluids that leak from vehicles and equipment are generally detrimental to water quality. This condition protects water quality by requiring regular inspections of vehicles and equipment and not allowing leaking vehicles and equipment to be used. (Dredge or Fill Procedures, Section IV.B.1.)

- d. 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.

The materials listed above are detrimental to water quality. These materials can either be directly or indirectly, chronically or acutely toxic to aquatic organisms and are generally detrimental to water quality through alteration of water chemistry and general water quality (pH, dissolved oxygen, specific conductance, organic enrichment, dissolved and

particulate metals, fine sediment, etc). This condition protects water quality by not allowing these compounds to be discharged into waters. (Dredge or Fill Procedures, Section IV.B.1.)

- e. Equipment working in waters of the state, including in areas protected by diversions, shall be removed from the delineated waters for fueling, service, or maintenance whenever feasible. When use of stationary equipment that requires refueling or service in delineated waters is planned, BMPs for managing the additional risk posed by that refueling and service shall be implemented. Such BMPs should include any precautions as necessary to ensure potential spills and leaks do not result in a discharge into waters of the state.

Fuels and other petroleum products are detrimental to water quality. This condition protects water quality by requiring equipment to be removed from waters before fueling, or, if that is not possible, for special procedures to be developed to mitigate the risk of fueling equipment in waters. (Dredge or Fill Procedures, Section IV.B.1.)

- f. On-site containment for storage of chemicals classified as hazardous shall include secondary containment.

Hazardous materials are detrimental to water quality. Secondary containment around hazardous material storage sites help ensure that any leaks or spills of such materials do not result in a discharge to waters. (Dredge or Fill Procedures, Section IV.B.1.)

5. Invasive Species and Soil Borne Pathogens

- a. Imported fill and planting materials must be free of pathogens that could harm local plant or animal populations.

Invasive species can be detrimental to water quality by outcompeting native species, altering soil/water chemistry, causing channel downcutting, lowering groundwater levels, altering allochthonous inputs, altering shading, reducing habitat for native fauna, etc. (Dredge or Fill Procedures, Section IV.B.1.)

- b. Imported fill material must be free of weed and invasive species' seeds and live plants.

Invasive species can be detrimental to water quality by outcompeting native species, altering soil/water chemistry, causing channel downcutting, lowering groundwater levels, altering allochthonous inputs, altering shading, reducing habitat for native fauna, etc. This condition protects water quality by requiring that the Project does not introduce invasive species into Project areas. (Dredge or Fill Procedures, Section IV.B.1.)

- c. Equipment and machinery used in Project construction shall be inspected and cleaned of non-native invasive vegetation prior to onsite use.

Invasive species can be detrimental to water quality by outcompeting native species, altering soil/water chemistry, causing channel downcutting, lowering groundwater levels, altering allochthonous inputs, altering shading, reducing habitat for native fauna, etc. This condition protects water quality by requiring that the project does not introduce invasive species into Project areas. (Dredge or Fill Procedures, Section IV.B.1.)

6. Roads

- a. Existing roads shall be used to access Project sites when practicable.

Unpaved roads are a source of excess sediment delivery to streams throughout California. New roads need not be constructed if existing roads can be used. This condition protects water quality by limiting new sources of excess sediment. (Dredge or Fill Procedures, Section IV.B.1.)

- b. All existing roads used for the Project shall be left in a condition equal to or better than their condition prior to Project use.

Unpaved roads are a source of excess sediment delivery to streams throughout California. If these roads are properly designed and maintained their impact to water quality can be minimized. These roads often fall into disrepair because due to lack of maintenance or repair. This condition protects water quality by requiring that roads used for this Project are, at the very least, left in the condition that they were in before the project used them. (Dredge or Fill Procedures, Section IV.B.1.)

- c. Where use of existing roads is not practicable, temporary access routes shall be designed and constructed such that they do not cause a discharge of sediment or other wastes to waters of the state.

Unpaved roads are a source of excess sediment delivery to streams throughout California. This condition protects water quality by requiring necessary new roads to be designed and constructed such that they do not discharge excess sediment or other wastes to waters. (Dredge or Fill Procedures, Section IV.B.1.)

- d. Construction of new temporary access roads shall be limited to the minimum number and width necessary to complete the Project.

Unpaved roads are a source of excess sediment delivery to streams throughout California. This condition protects water quality by limiting new sources of excess sediment and other wastes. (Dredge or Fill Procedures, Section IV.B.1.)

7. Stabilization/Erosion Control

- a. Effective erosion and sediment control BMPs shall be used for all disturbed areas to prevent discharges to waters of the state.

If erosion control BMPs are not followed then these disturbed areas will likely discharge excess sediment to waters, which will degrade water quality. This condition protects water quality by requiring application of erosion and sediment control BMPs which will reduce the potential for sediment discharge. (Dredge or Fill Procedures, Section IV.B.1.)

- b. All erosion and sediment control materials shall be onsite and ready for use prior to initiation of ground disturbing activities.

Disturbed areas can discharge excess sediment to waters, which will degrade water quality. If the erosion and sediment control materials are not applied immediately following the ground disturbing activity there is a window in which preventable erosion and sediment discharges could occur. This condition protects water quality by ensuring that these erosion and sediment control materials are on site and ready to be installed as soon as the disturbance takes place. (Dredge or Fill Procedures, Section IV.B.1.)

- c. Any additional erosion or sediment control materials needed to stabilize an active worksite shall be installed at least forty-eight (48) hours before a predicted rain event.

Disturbed areas can discharge excess sediment to waters, which will degrade water quality. Disturbed areas often cannot have erosion control materials in place while work is occurring. However, these areas still need to be stabilized before predicted rain events so that excessive erosion and sediment discharge does not occur. This condition protects water quality by ensuring that all disturbed areas are stabilized in advance of predicted rainfall events. (Dredge or Fill Procedures, Section IV.B.1.)

- d. Sediment control structures shall be maintained for effectiveness at least forty-eight (48) hours before a rain event and shall be repaired or replaced as needed. Buildup of soil behind silt fences shall be removed and any breaches or undermined areas repaired.

Disturbed areas will likely discharge excess sediment to waters, which will degrade water quality. Sediment control structures are often the last line of defense to keep this excess sediment from leaving the Project site. If these structures are not properly maintained, they are prone to failure. This condition protects water quality by ensuring that these sediment control structures are properly maintained and in working order before rainfall events. (Dredge or Fill Procedures, Section IV.B.1.)

- e. Disturbed work areas within waters of the state must be temporarily stabilized to prevent erosion at least forty-eight (48) hours prior to the predicted commencement of a rainfall event that is forecast to bring

greater than or equal to one-half inch of precipitation with a greater than a fifty (50) percent probability of occurrence, as predicted by the National Oceanic and Atmospheric Administration (NOAA) – National Weather Service. If the predicted commencement of such a rainfall event is less than forty-eight (48) hours after the prediction is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

Disturbed areas will likely discharge excess sediment to waters, which will degrade water quality. If these disturbed areas themselves are within a water there is the added risk of creating channel instability that will lead to long term erosion, channel incision, sedimentation, floodplain abandonment, water quality degradation, alteration of local groundwater levels, and aquatic habitat degradation. This condition protects water quality by requiring that in water work areas are stabilized prior to the onset of rainfall events. (Dredge or Fill Procedures, Section IV.B.1.)

H. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge to waters of the state in accordance with the Temporary Impact Restoration Plan dated March 30, 2021, approved through the issuance of this Order and incorporated herein by reference.

If temporarily impacted areas are not restored, they could become permanent impact areas and contribute to long term impacts to water quality. This condition protects water quality by requiring temporarily impacted areas to be restored. (Dredge or Fill Procedures, Sections IV.A.2.d, IV.B.1.)

2. The State Water Board may extend the monitoring period beyond requirements of the MMRP or restoration plan upon a determination by State Water Board Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

Meeting performance measures is required to protect water quality. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

3. Compensatory mitigation may be required for any authorized impact site (as listed in Attachment B, Table 2) where first-year restoration work for disturbed areas in, or immediately adjacent to, waters of the state is not completed within one year of the conclusion of ground-disturbing activity.

If temporarily impacted areas are not restored, they could become permanent impact areas and contribute to long term impacts to water quality. The longer the lag time between impact and restoration, the more opportunity there is for water quality degradation stemming from the disturbed areas. This condition

protects water quality by ensuring that restoration is initiated in a reasonable amount of time after impacts have occurred. (Dredge or Fill Procedures, Sections IV.A.2.d, IV.B.4-5.)

4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee Responsible	Acres		0.070				
Wetland	Permittee Responsible	Acres		0.420				

I. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state. No compensatory mitigation for permanent impacts is required. Total permanent impacts resulting from the Project shall not exceed 0.008 acres.

XIV. Water Quality Certification

I hereby issue the Order for the Sonoma County Pavement Preservation Program, SB21008IN, 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). This Order is adopted pursuant to Water Code section 13263, subdivision (j). Compliance with section 13263, subdivision (a), including implementation of applicable water quality water quality plans, is discussed above. This Order is 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.

Attachment A:	Project Maps
Attachment B:	Receiving Waters, Impacts, and Mitigation Information
Attachment C:	Report and Notification Requirements
Attachment D:	Signatory Requirements