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Central Valley Regional Water Quality Control Board

22 June 2015

William Ness
U.S. Army Corps of Engineers, California North Branch
1325 J Street, Room 1350
Sacramento, CA 95814-2922

CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; UNITED STATES ARMY CORPS OF ENGINEERS, REGIONAL GENERAL PERMIT FOR PLACER VINEYARDS SPECIFIC PLAN INFRASTRUCTURE (WDID #5A31CR00404), PLACER COUNTY

ACTION:

- 1. Order for Standard Certification
- 2. Order for Technically-conditioned Certification
- 3. Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

- 1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations (CCR).
- 2. This certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought..
- 3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required § 3833 of the California Code of Regulations.

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Enrollee shall satisfy the following:

1. The Enrollee under the Regional General Permit (RGP) shall submit to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) at least **twenty-one (21) days** in advance of starting of any work on the project or work within waters of the United States and waters of the State a detailed description of the project. The Enrollee will receive a WDID number and authorization to proceed from the Central Valley Water Board.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Enrollee shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Enrollee shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters.

For work being conducted in a water body where there is an upstream or downstream location from the project area the monitoring requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

For work is being conducted in a water body with no upstream or downstream location from the project area (i.e., lake, wetland, etc.) the monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

- ⁽¹⁾ Grab samples shall be taken at mid-depth and be collected at the same time each day to get a complete representation of variations in the receiving water.
- ⁽²⁾ 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.
- ⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
- ⁽⁴⁾ A hand-held field meter may be used, provided that the meter utilizes a USEPA-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 required by this Certification shall be maintained at the Project site.

As appropriate, surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the Enrollee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no monitoring is conducted, the Enrollee shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 or *Water Quality Control Plan for the Tulare Lake Basin, 2nd Edition* (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
 - a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

- ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. 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 approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within approximately 300 feet downstream of the Project.
 - c) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area
6. The Enrollee shall notify the Central Valley Water Board immediately if the above criteria for turbidity or settleable matter or other water quality objectives are exceeded.
7. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Enrollee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
8. The Enrollee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the Project site.

9. 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 the soil and/or entering surface waters. Concrete must completely be cured before coming into contact with surface waters. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
10. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
11. All areas disturbed by Project activities shall be protected from washout or erosion.
12. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
13. If temporary surface water diversions and/or dewatering are anticipated, the Enrollee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
14. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
15. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
16. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. The Enrollee shall notify the Central Valley Water Board as soon as practicable of any spill of petroleum products or other organic or earthen materials with written follow up within 5 days.
17. The Enrollee shall obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water and/or shall obtain Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land from the Central Valley Water Board.

18. The Conditions in this water quality certification are based on the information contained in the Enrollee's application and in the attached "Project Information Sheet." If the Project, as described in the application and the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
19. The Enrollee shall implement each of the mitigation measures specified in the certified Placer Vineyard Specific Plan, Environmental Impact Report, and additional information required in the EIR Resolution 2012-038 for the Project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
20. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under the applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with water quality standards and other pertinent requirements incorporated into this certification.
 - a) If the Enrollee or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the Enrollee is subject to civil monetary liabilities, for each day of violation, or criminal liability.
 - b) In response to a suspected violation of any condition of this certification, Central Valley Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems 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. (Water Code, § 1051, 13165, 13267 and 13383) In response to any violation of the conditions of this certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
 - c) The Enrollee shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of Project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
21. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board

adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to (The Enrollee) that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

STORM WATER QUALITY CONDITIONS:

The Enrollee shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Enrollee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
 - b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Enrollee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices:
 - a) minimize the amount of impervious surface;
 - b) reduce peak runoff flows;
 - c) provide treatment BMPs to reduce pollutants in runoff;
 - d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
 - i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Enrollee must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:

- a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.
4. The Enrollee shall provide the Central Valley Water Board Contact indicated in this Certification a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

George Day, Senior Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205, Redding, California 96002
gday@waterboards.ca.gov
(530) 224-4859

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from, Placer Vineyards Specific Plan Infrastructure Project (WDID# 5A31CR00404) will comply with the applicable provisions of §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") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)."

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with conditions of this Certification, the application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised October 2011 (Basin Plan).

22 July 2015

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, Title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.



(for) PAMELA C. CREEDON
Executive Officer

DLW:sjs

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o Ms. Mary Pakenham-Walsh, U.S. Army Corp of Engineers, Sacramento
enclosures: Department of Fish and Wildlife, Region 2, Rancho Cordova
U.S. Fish and Wildlife Service, Sacramento
Mr. Bill Jennings, CALSPA, Stockton

cc w/o
enclosures
by email: U.S. EPA, Region 9, San Francisco
Mr. Bill Orme, SWRCB, Certification Unit, Sacramento

PROJECT INFORMATION

Application Date: 18 December 2014

Application Complete Date: 20 July 2015

Applicant: United States Army Corp of Engineers, California North Branch
1325 J Street, Room 1350
Sacramento, CA 95814-2922

Project Name: Regional General Permit for Placer Vineyards Specific Plan Infrastructure Project

Application Number: WDID No. 5A31CR00404

U.S. Army Corps File Number: Regional Permit No(s): TBD
ACOE Permit Reference Number: SPK-1999-00737

Type of Project: Planned Community Infrastructure. Total project size is approximately 670 acres of infrastructure related activities.

Project Location: Section 1, Township 10 North, Range 4 East
Section 1-14, Township 10 North, Range 5 East
Section 6-10, Township 10 North, Range 6 East
Section 16-18, Township 10 North, Range 6 East
Section 35&36, Township 11 North, Range 4 East
Section 31-36, Township 11 North, Range 5 East
Section 31, Township 11 North, Range 6 East

Latitude: 38.742° and Longitude: -121.408°

County: Placer County

Receiving Water(s) (hydrologic unit): Dry Creek, Natomas East Canal, Steelhead Creek, Curry Creek, and unnamed tributaries, which are tributary to the Sacramento River. Valley American Hydrologic Unit No.519.22 – Coon-American HA

Water Body Type: Unnamed tributaries, associated wetlands, drainages, streambed, riparian, and other waters of the U.S. and State.

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

Project Description (purpose/goal): The Regional General Permit for Placer Vineyards Specific Plan Infrastructure is a 5,230 acres development in unincorporated southwestern Placer County, including approximately 3,746 acres of 23 participating properties, and the preservation of 675 acres of open space. The proposed Regional General Permit (RGP, Project), requiring certification, would be applicable to the infrastructure-related activities required by the participating properties (owners) as a group. These activities include 1) On-site infrastructure elements such as: trail systems, flood control, and drainage improvements within the open space corridors: major roadway, trunk sewers, water lines crossing properties within the Plan, and storage tanks. 2) Off-site infrastructure elements include: two sewer lines, a potable water line (including pump stations and storage facilities), a recycle water line (including pump stations and recycled water storage facilities), road improvements (i.e. widening of lanes and the addition of intersection controls), and transmission lines. Regarding off-site infrastructure improvements, where possible utility lines would be placed within existing roadways or other disturbed areas, in order to minimize environmental impacts.

The project will permanently impact 36.520 acre(s) of waters of the United States and/or permanently impact 0.186 acre(s) of waters of the State.

Preliminary Water Quality Concerns: Construction activities including soil disturbance, excavation, cutting/filling, and grading activities could result in increased erosion and sedimentation and may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Enrollee will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Enrollee will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: Approximately 7,700 cubic yards of Native soil, rip rap, cobble, concrete, steel, corrugated metal, aggregate base, vitrified clay pipe, RCP pipe, PVC and plastic culverts will be placed into waters of the United States and the State.

Dredge Volume: N/A

California Integrated Water Quality System Impact Data: The Project will permanently impact 36.52 acre(s) wetland/stream bed/vernal pool from fill/excavation activities.

Table 1: Impacts from Fill and/or Excavation Activities

Fill Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
Wetlands						
Wetlands Total	18.58	NA			NA	
Vernal Pool						
Vernal Pools Total	10.10	NA			NA	
Stream Channel						
Stream Total	7.33					
Riparian Area						
Riparian Area Total						
Open Water						
Pond	0.51					
Open Water Total	0.51					
Total Impacts	36.52					

Notes
 NA Not Applicable

United States Army Corps of Engineers Permit Type: Regional General Permit.

Department of Fish and Wildlife Lake or Streambed Alteration Agreement: The Enrollees will apply for a Lake or Streambed Alteration Agreement (LSAA).

Possible Listed Species: Vernal pool fairy shrimp (*Branchinecta lynchi*), Vernal pool tadpole shrimp (*Lepidus pachardi*), Conservancy fairy shrimp (*Branchinecta conservation*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), Central Valley steelhead (*Oncorhynchus mykiss*), Giant garter snake (*Thamnophis gigas*), Swanson's hawk (*Buteo swainsoni*), Townsend's big-eared bat (*Corynorhinus townsendii*).

Status of CEQA Compliance: Placer County is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Placer Vineyards Specific Plan Project pursuant to § 21000 et seq. of the Public Resources Code. The Placer County Board of Supervisors signed a final Notice of Determination certifying an Environmental Impact Report for Placer Vineyards Specific Plan on 16 July 2007. Placer County filed a Notice of Determination with the State Clearinghouse on 16 July 2007 (State Clearinghouse Number 1999062020).

Compensatory Mitigation: The Enrollee must comply with the U.S. Army Corps of Engineers' requirements for compensatory mitigation for the impacts to jurisdictional water. The Corps requires that Placer Vineyards Specific Plan consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. The Placer Vineyard Specific Plan will be required by the Corps to purchase compensatory mitigation credits from a Corps approved mitigation bank to offset impacts to 28.68 acres of wetlands, including vernal pools and swales, and 3.19 acres of seasonal marsh and intermittent drainage, and 4.64 acres of canals, ditches, creeks, and ponds. Mitigation ratios are listed as 1:1 for Preserved and 1.25:1 for established / Re-established.

Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Application Fee Provided: No application fee is required. This is a Federal Agency Request.