



Central Valley Regional Water Quality Control Board

17 July 2013

Trinitas Almond Partners II, L.P.
3000 Sand Hill Road, 1-200
Menlo Park, CA 94025

CERTIFIED MAIL
7013 1090 0001 3130 3547

CLEANUP AND ABATEMENT ORDER R5-2013-0703, TRINITAS ALMOND PARTNERS II, L.P., STANISLAUS COUNTY

Enclosed is Cleanup and Abatement Order (CAO) R5-2013-0703, which directs you to stabilize and abate sediment discharges from your property located on the south side of Hwy 108 east of Oakdale in Stanislaus County.

The order requires that you submit a Stabilization and Cleanup Plan (Plan) by **16 August 2013**, describing how the site will be stabilized to prevent future discharges and all other wastes. The Order also requires that the Plan be implemented not to extend beyond **15 September 2013**. Water Board staff has received the "Aerial Photographs Erosion Control Improvements" dated April 2013 that you have submitted. Please review the submitted document and make any changes or additions to the submittal that to meet the requirements of this Order.

The Order also requires that you submit a Completion Report by **30 September 2103** describing in how the Stabilization and Cleanup Plan has been implemented.

In order to conserve resources, this letter transmits paper copies of the document to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions regarding this Cleanup and Abatement Order, please contact Terry Bechtel at (916) 464-4720, or via e-mail at tbechtel@waterboards.ca.gov.

JOE KARKOSKI
Chief, Irrigated Lands Regulatory Program

Enclosures: CAO R5-2013-0703
Water Board Staff Inspection Reports with Dept. of Fish and Wildlife Investigation Maps

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO.R5-2013-0703

FOR
TRINITAS ALMOND PARTNERS II, L.P.
STANISLAUS COUNTY

This Order is issued to Trinitas Almond Partners II, L.P. based on provisions of California Water Code (Water Code) section 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) to issue a Cleanup and Abatement Order (Order), and Water Code section 13267, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer of the Central Valley Water Board finds that:

FINDINGS

1. Trinitas Almond Partners II, L.P. (hereafter Discharger) have graded approximately 760 acres at their project site on the south side of Hwy 108/120, east of Oakdale in Stanislaus County. Approximately 200 acres of the graded project area (portions of Stanislaus County APNs 010-011-059, 010-011-061, and 010-011-062), (Facility) caused significant storm event-related discharges of sediment into Blitz Creek and an un-named drainage, both of which are tributaries to the Stanislaus River.

LEGAL AND REGULATORY AUTHORITY

2. This Order conforms to, and implements policies and requirements of, the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including: (1) Water Code sections 13267 and 13304; (2) applicable state and federal regulations; (3) all applicable provisions of Statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Board) and the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011, (hereafter "Basin Plan") adopted by the Regional Board; (4) State Board policies and regulations, including State Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California), and Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code section 13304) ("Resolution 92-49"); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, Section 3890 et. seq., and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
3. The Facility is located in the San Joaquin River Watershed in the Sacramento and San Joaquin River Basin. The Water Quality Control Plan for the Sacramento River and San

Joaquin River Basins, Fourth Edition, (hereafter Basin Plan) covers the San Joaquin River Watershed. The Basin Plan covers the San Joaquin River Watershed. Chapter IV of the Basin Plan notes that the discharge of sediment is a problem encountered with agriculture in that sedimentation impairs fisheries by distributing and circulating toxic substances through the riparian system. Sedimentation also increases the costs of pumping and treating water for municipal and industrial use. An additional significant impact of sediment runoff is the sediment's direct smothering effect on bottom dwelling communities.

4. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Resources Control Board. The beneficial uses of the Stanislaus River from Goodwin Dam to the San Joaquin River, as identified in Table II-1 of the Basin Plan, are partial for municipal and domestic supply; and existing for agricultural supply; industrial supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; cold water migration of salmon and steelhead; warm water spawning for striped bass, sturgeon, and shad; cold water spawning for salmon and steelhead; and wildlife habitat.
5. The Basin Plan also provides specific water quality objectives for inland surface waters. These objectives include limitations on increased temperature, sediment, settleable and suspended material, and turbidity. Turbidity and sediment data obtained from the California Department of Fish and Wildlife indicate that the grading activities caused violations of the Basin plan's numeric objective for turbidity and narrative objective for nuisance. With regard to suspended sediment and turbidity the Basin Plan states at III-7.00 and III-9.00, respectively:

The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:

- *Where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed 2*
- *Where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU.*
- *Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.*
- *Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.*

• *Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.*

6. Water Code section 13050(m) defines "nuisance" to mean anything which "(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property[;] (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal[; and] (3) Occurs during, or as a result of, the treatment or disposal of waste."
7. State Board Policies: The State Water Resources Control Board ("State Water Board") has adopted Resolution 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304 ("Resolution 92-49"). Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site, and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the Statement of Policy With Respect to Maintaining High Quality of Waters in California. ("Resolution 68-16"). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.
8. Section 13304(a) of the California Water Code provides that:

"Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the

suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the fact may warrant."

9. Section 13304(c)(1) of the California Water Code provides that:

"[T]he person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action."

10. Section 13267(b)(1) of the California Water Code provides that:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports."

The technical reports required by this Order are necessary to assure compliance with this Order and to protect the waters of the state. The technical reports are necessary to demonstrate that appropriate methods will be used to clean up waste discharged to surface waters and to ensure that cleanup complies with Basin Plan requirements.

BACKGROUND

11. The Facility is in the process of being converted from a pasture to an almond orchard. Four off-property discharges of sediment laden runoff from the Trinitas Almond Partners II, L.P. project site described above, were reported. Three in late December 2012 and one in early January 2013. The discharges were reported to Board staff by both the Trinitas Almond Partners II, L.P. project site managers and by California Department of Fish and Wildlife (DFW) investigating wardens. The pre-existing pasture had been removed at the project site and the land was graded in preparation for orchard cropland. At the time of the discharge events a crop had not yet been planted or irrigation system installed.

12. The project site has two drainage courses. One to the north-east into Blitz Creek, and an un-named tributary on the south-west. The un-named tributary flows into Blitz Creek. Blitz Creek, and subsequently the un-named tributary, are tributaries to the Stanislaus River. On 2 December 2012, DFW conducted an investigation of a sediment laden discharge from the Trinitas Almond Partners II, L.P. project site described above (hereafter referred to as "Project Site") and submitted sample and investigation information to Water Board staff. DFW wardens reported high sediment loads discharging from the project site. The suspended solids from the samples flowing into Blitz Creek ranged from 11,400 to 12,200 mg/L with nephelometric units (NTUs) of 1,860 to 2,220 NTUs. DFW reported that the sediment discharge had reached Blitz Creek, a tributary to the Stanislaus River at the time of their investigation. However, the discharge had not reached the Stanislaus River.

On 5 December 2012, DFW reported to board staff that they investigated sediment runoff from the project site. They reported that there was no runoff coming from the Blitz Creek drainage. The un-named tributary drainage had suspended solids of 2,470 mg/L and 653 NTUs. DFW reported that the sediment discharge had not reached the Stanislaus River at the time of their investigation.

On 11 December 2012, Water Board staff inspected the project site and found that the Discharger was in the process of stabilizing the site; however, the potential for a storm water-related sediment discharge still existed.

On 22 December 2012, DFW conducted a partial sediment discharge investigation, but were not able to complete their investigation at that time. On 23 December 2012, DFW conducted a site investigation of a sediment discharge from both the Blitz Creek drainage and the un-named tributary from a recent storm event. DFW reported that they documented a sediment plume flowing into the Stanislaus River. The up-stream Blitz Creek turbidity was 85.4 NTUs, the discharge flowing from the project site into Blitz Creek was 3,190 NTUs, and the project site discharge from the un-named tributary was 610 NTUs. Blitz Creek approximately 20 yards up-stream from the river was 3,110 NTUs. The up-stream Stanislaus River sample was 3.9 NTUs.

On 6 January 2013, DFW conducted a site investigation of a sediment discharge from both the Blitz Creek drainage and the un-named tributary from a recent storm event. DFW reported that they documented a sediment plume flowing into the Stanislaus River. The up-stream Blitz Creek turbidity was 20.9 NTUs, the discharge flowing from the project site into Blitz Creek was 1,430 NTUs, and the project site discharge from the un-named tributary was 1,420 NTUs. Blitz Creek approximately 20 yards up-stream from the river was 440 NTUs. The up-stream Stanislaus River sample was 7.7 NTUs. The down-stream Stanislaus River was 439 NTUs approximately 20 yards down river, and 448 NTUs approximately 100 yards down river.

VIOLATIONS

13. Sediment, when discharged to waters of the state, constitutes as a "waste" as defined in Water Code section 13050. The Discharger has discharged waste directly into surface waters which are tributaries, and subsequently into the Stanislaus River.
14. The Dischargers violated the Basin Plan's numeric water quality objective for turbidity and the narrative objective for nuisance on 23 December 2012 and 6 January 2013.
15. The Dischargers' grading activities have resulted in the discharge of waste into surface waters, which have created, or threaten to create, a condition of pollution or nuisance.

IT IS HEREBY ORDERED THAT, pursuant to Water Code sections 13267 and 13304, Trinitas Almond Partners II, L.P. shall:

1. Immediately take all actions to cease the discharge of sediment and other wastes to waters of the state, including but not limited to Blitz Creek, the Stanislaus River and its tributaries.
2. Immediately clean up or abate the sediment discharged to surface waters in accordance with the following minimum schedule:
 - (a) By **16 August 2013**, submit and immediately implement a *Stabilization and Cleanup Plan* (Plan). The Plan must describe how the site will be stabilized to prevent future discharges of sediment and all other wastes, and must give a proposed timeline for the work. The timeline shall not extend beyond **15 September 2013**. The Plan must describe how sediment-impacted surface waters will be cleaned up as appropriate and must include timelines and long-term monitoring to assess the effectiveness of the stabilization and cleanup efforts. The Plan must be prepared by a professional knowledgeable and experienced in erosion and sediment control measures. Comments from Regional Water Board staff should be incorporated into the Plan. The Plan shall be subject to approval by the Regional Water Board, and failure to submit an acceptable Stabilization and Cleanup Plan by the aforementioned deadline may result in the imposition of administrative civil liability.
 - (b) By **30 September 2013**, submit a *Completion Report* describing in detail how the *Stabilization and Cleanup Plan* has been implemented, and showing that the site and impacted surface waters have been fully remediated. The Discharger shall provide staff access to areas of the property, as needed.

GENERAL REQUIREMENTS

3. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
4. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at www.waterboards.ca.gov/centralvalley or will be provided upon request.
5. As required by Business and Professions Code sections 6735, 7835, and 7835.1, all technical reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

6. If, for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this Order are denied.

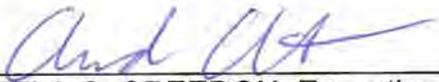
7. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted to:

California Regional Water Quality Control Board
Central Valley Region - Sacramento Office
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Attn: Terry Bechtel
Email: tbechtel@waterboards.ca.gov
Phone: (916) 464-4720

8. **California Environmental Quality Act (CEQA) Compliance.** The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations (CCR), title 14, section 15321(a)(2). The issuance of this Order may also be considered an action by a regulatory agency for the protection of the environment, exempt pursuant to CCR, title 14, section 15308. This action is also exempt from the provisions of CEQA in accordance with section 15061(b) (3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
9. **Requesting Administrative Review by the State Water Board.** Any person aggrieved by an action of the Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at: <http://www.waterboards.ca.gov/publicnotices/petitions/waterquality> or will be provided upon request.
10. **Enforcement Notification.** If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with the terms or conditions of this Cleanup and Abatement Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to Water Code sections 13385, 13350 and/or section 13268, in an amount not to exceed **\$10,000 for each day in which the violation occurs** under Water Code section 13304 or 13350, or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability.

If there are any questions or comments, please contact Terry Bechtel at (916) 464-4720 or tbechtel@waterboards.ca.gov.

This Order is effective upon the date of signature.



for PAMELA C. CREEDON, Executive Officer
7/17/13

(Date)

cc w/o encl: Vanessa Young, Office of Enforcement, SWRCB, Sacramento
Lt. Phil McKay, California Dept. of Fish and Wildlife
Milton O'Haire, Stanislaus County Agricultural Commissioner
Parry Klassen, East San Joaquin Water Quality Coalition

INSPECTION REPORT

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

DATE: 27 December 2012

FACILITY: Trinitas Partners, LLC

LOCATION & COUNTY: Hwy 108/120, East of Oakdale, Stanislaus County

INSPECTION DATE: 11 December 2012

INSPECTED BY: Terry Bechtel and Scott Perrou, CVRWQCB

CONTACTS(S): Diane Moore, Moore Biological Consultants
Ryon Paton, Principle, Trinitas Partners LLC
Dave Germano, Development & Farming, Trinitas Farming LLC
Tony de Melo, Senior Project Manager, North Star Engineering Group, Inc.

OBSERVATIONS AND COMMENTS:

December 4, 2012 Water Board staff received a phone call and follow-up email from Diane Moore, the biological consultant to Trinitas Partners, LLC describing gully erosion due to recent rain events at the Hwy 108/120 project site east of Oakdale. The email described that gully erosion on a plateau washed into an ephemeral creek sending sand sediments downstream. Ms Moore explained that Trinitas immediately began a cleanup project, a short term stabilization plan, and a long term stabilization plan. Staff contacted Diane Moore and arranged to conduct a follow-up inspection at the site.

Site Inspection

On December 11, 2012, we met with the contacts listed above at the Hwy 108/120 project site entrance east of Oakdale (Figure A - project site shown on the Moore Biological map shown below). The focus of the inspection was on the primary sources of the reported erosion event locations. These sites are labeled A, B, C, and D on the Figure B inspection map below. There are two basic property discharge locations on the north side of the project, Blitz Creek (near location A) and the western un-named tributary (near location D) on Figure B.

Location A – This is the northeastern corner of the project area. The runoff from this portion of the project is relatively small compared the rest of the project watershed. During the beginning phase of the project, it appeared that there was some sediment runoff onto the highway and Blitz Creek. Significant runoff mitigation practices have been installed including rock work, straw waddles, sediment fences, and straw bales some of which can be seen in photos 1 and 2.

Location B – This is a plateau with mildly sloping topography with deep watercourses. The area is depicted in photos 3 through 8. There was considerable rill and small gully erosion visible on the plateau areas. A number of straw waddles were installed. The waddles were laid on the soil

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surface resulting in runoff flowing under the waddles with subsequent rills and gully erosion seen in photos 4 and 5. The runoff funneled to a down-stream location resulting in a blowout of the berm and significant gully erosion seen in photos 6 and 7. To help mitigate the future runoff, straw bales were placed in the gully and worker crew (approximately 45 workers) was cleaning the excessive sediments out of the drainage seen in photo 8. The runoff from this area flows to the location labeled D on Figure B.

Location C – This was also a plateau with sloping topography leading to a deep watercourse seen in Photos 9 through 12. There was rill erosion leading to a funneled drainage location with a smaller blowout of the berm, seen in Photo 11. Straw bales and waddles were installed to mitigate future sediment laden discharges. The runoff from this location also flowed to the drainage near location D on Figure B.

Location D – A portion of the drainage course from locations B and C can be seen in Photo 13. There were notable quantities of sediments in the drainage that had eroded from the upper portions of the watershed. A series of straw bale rows had been placed in the drainage to help prevent the sediments from continuing down-stream during subsequent storm events. Photos 14 and 15 are near the bottom of this drainage course. A sediment pond seen in Photo 15 was installed to manage the runoff from a small area near the slope and road cut. This portion of the project watershed un-named tributary flows under Hwy 108/120 via a tunnel seen in Photo 16. After crossing under the highway, the tributary continues 300 to 400 yards to the outfall into the Stanislaus River.

Inspection Wrap-up Discussion

At the conclusion of the site inspection, the group met to discuss the findings and other issues. The comments are summarized below:

We explained that the Water Code does not allow Water Board staff to provide specific design and project specifications, but the basics in sediment management is to control the soil stability, runoff velocity, and runoff volume.

Staff recognizes and appreciates the cooperation regarding this inspection and the extent of the mitigation efforts Trinitas Partners has already installed, but they are still responsible for the ultimate success of the management practices regardless of how much work has been done. This being said, Water Board staff will consider the efforts put forth.

Sediment runoff from the project area that flows off of the property in excess of objectives described in the Water Code and Basin Plan compared to the natural background is considered a violation. Wardens from the CA Dept. of Fish and Game (DFG) on at least two occasions provide information to Water Board staff that sediment laden discharges had flowed off of the project property, crossing under the highway in both Blitz Creek and the un-named tributary on the west. Water samples have been collected by DFG and submitted to the laboratory. No official report has been submitted by DFG to the Water Board at this time, but we are anticipating that they will be sending a report. When we receive the report, our office would consider their information, the information obtained from this inspection, as well as any information and provided by Trinitas Partners before making

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decisions on follow-up or actions. We described that DFG stated that these discharges had not reached the Stanislaus River at this time. We explained that sediment laden discharges that flow into the river would elevate concerns and courses of action.

Trinitas Partners staff explained that the recent rainfall events that led to the erosion was very intense. Staff explained that the 24 hour precipitation for that time was significantly less than a 25 year 24 hour event. Short but intense rain cells are common for this portion of Stanislaus County and need to be considered when choosing this location for projects that require extensive land grading and removal of existing vegetation.

Department of Fish and Game wardens informed to our office that there have been at least two discharges of sediment laden runoff that flowed off of the project area to date. The discharges were from the drainage on the west side of the project and also to Blitz Creek. Both flowed off of the property, crossed the highway and flowed toward the Stanislaus River. According to DFG, the discharges had not reached the river at the time of their investigation. The discharge of sediment laden runoff in exceedence beyond background levels is a violation. If sediment laded runoff reaches and flows into the river, the concerns and actions of DFG and the Water Board will elevate.

In summary, we acknowledged their efforts and cooperative spirit regarding the inspection, but the success and responsibility of the project meeting the water quality objectives is ultimately their responsibility. The soil type, topography, and weather conditions in this part of the county makes it challenging to meet surface water quality objectives.

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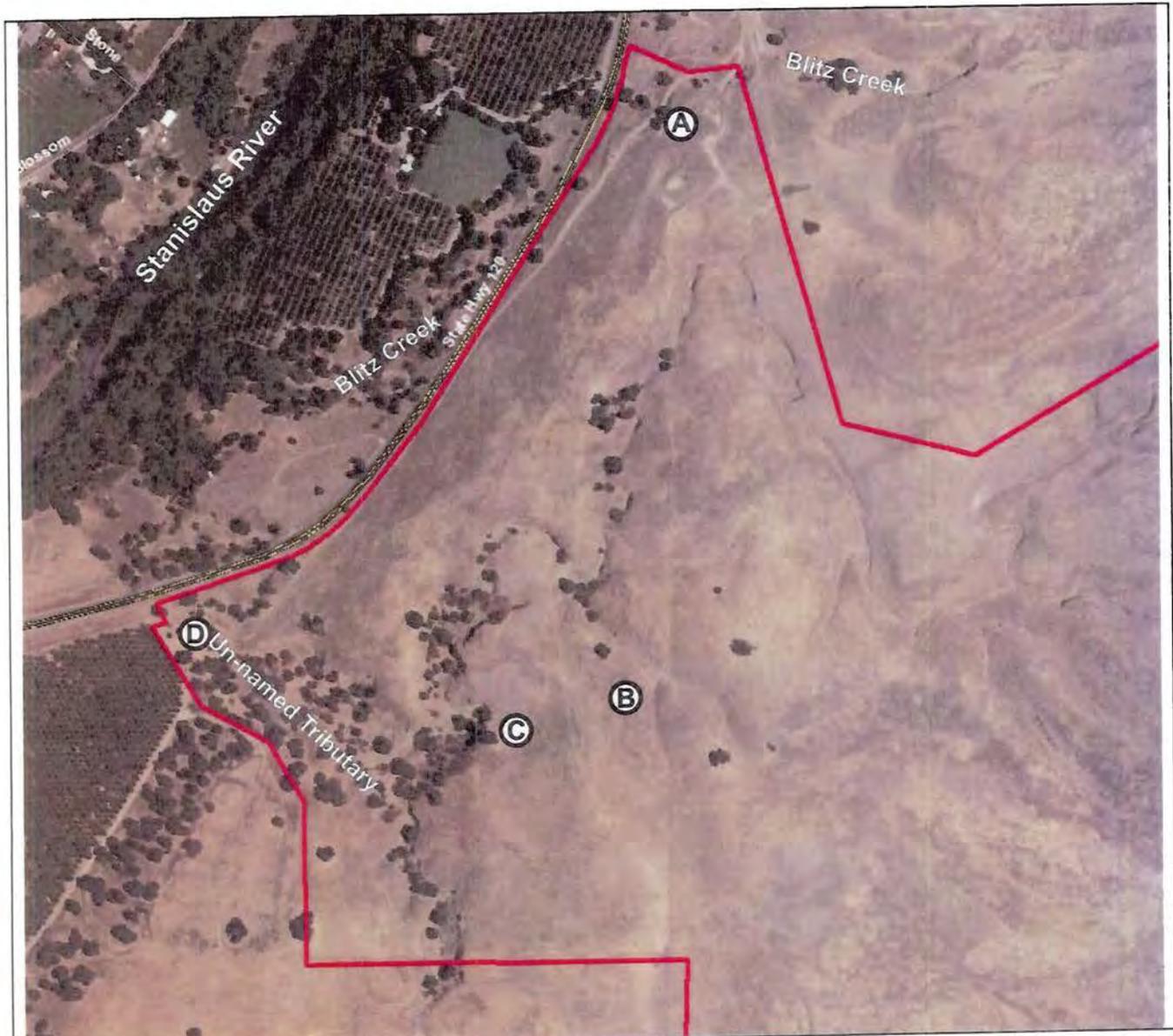


Figure B Shows the basic areas of the inspection.

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Photo 1: Waddles and rock lined water courses on the northeast portion of the project area (location A in Figure B). Hwy 108/120 is seen in the upper right of the photo.



Photo 2: Rock lined water course, silt fence, and sediment pond at the northeast portion of the project area (location A in Figure B). Runoff from these areas can flow into Blitz Creek.



Photo 3: Gully erosion with straw bales (location B in Figure B).



Photo 4: Plateau area in location B in Figure B.



Photo 5: Waddles and rill/gully erosion on the plateau area (location B in Figure B).



Photo 6: Waddles and erosion near the same location as Photo 5.



Photo 7: Blowout gully at location B in Figure B.



Photo 8: Looking north just below Photo 7. Workers are cleaning the excessive sediments that ran off of the plateau area. This water course goes to location D on Figure B, the western property drainage.

Approved:



Photo 9: Looking north, the plateau area at location C in Figure B.



Photo 10: The plateau area funnels to the drainage course.



Photo 11: Looking south toward Photo 10. The berm blew out at the circled location. Waddles and straw bales have been installed to help prevent future sediment laden runoff.



Photo 12: Close-up of some of the straw bales.



Photo 13: Looking at the un-named tributary downstream from Photos 11 and 12. Significant quantities of sediments were observed in the water course. A number of straw bale rows were installed at various locations down the water course.



Photo 14: Looking south from the bottom of the west side drainage just prior to the site shown in Photo 16.



Photo 15: Sediment pond on the northwest corner of the project area. The pond collects runoff from a small portion of graded land some of which is seen in the upper right of the photo.



Photo 16: Looking north at the location where the western drainage flows under Hwy 108/120 via the "tunnel" highlighted by the circle.

INSPECTION REPORT

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

DATE: 14 January 2013

FACILITY: Trinitas Partners, LLC

LOCATION & COUNTY: Hwy 108/120, East of Oakdale, Stanislaus County

INSPECTION DATE: 10 January 2013

INSPECTED BY: Terry Bechtel, CVRWQ

CONTACTS(S): Warden Lt. Phil McKay, CA Dept. of Fish and Wildlife
(on Jan. 1, 2013 the CA Dept. of Fish and Game changed their name to the CA Dept. of Fish and Wildlife. For the purpose of this report, they are referred to as Dept. of Fish and Game (DFG) as that was the title at the time of their original investigation)
Diane Moore, Moore Biological Consultants
Ryon Paton, Principle, Trinitas Partners LLC
Dave Germano, Development & Farming, Trinitas Farming LLC
Tony de Melo, Senior Project Manager, North Star Engineering Group, Inc.
Bill Fox, WHF Inc. Environmental Consulting Group

OBSERVATIONS AND COMMENTS:

Department of Fish and Game Warden Lt. Phil McKay notified Water Board staff regarding sediment laden discharges from the Trinitas Partners Hwy 108 project. Lt. McKay reported two discharge events, one on December 22/23, 2012 and another on January 6, 2013. He stated that both discharges reached and were flowing into the Stanislaus River. Lt. McKay obtained water samples and sent staff photos of the discharge events. In late December 2012, Water Board staff and Diane Moore had already penciled in a follow-up site inspection and meeting for early January 2013. Diane Moore confirmed an inspection/meeting date for January 10th and invited Lt. McKay to participate.

10 January 2013 Site Inspection

The inspection started with a discussion led by Ryan Paton. Mr. Payton said that he encourages all of the parties and agencies to maintain an open line of communication. He said that the Trinitas group wants to do whatever it takes to make the project successful and comply with regulatory requirements and water quality objectives. I explained that I met with my supervisor prior to the inspection and that our office will likely be issuing a Notice of Violation based on the information we have received so far from Fish and Game. We will also wait to receive all of the collective information and final reports before making decisions on enforcement beyond the Notice of Violation. I told them that they have the opportunity to meet with us prior to enforcement decisions are made.

Approved



The total project area is approximately 7,200 acres. The site inspection focused on the north end of the project, which is the portion that drains north toward the Stanislaus River. These are the primary erosion event locations identified in the December 11, 2012 site inspection. These sites are labeled A, B, C, and D on the Figure A inspection map below. There are two basic property discharge locations on the north side of the project, Blitz Creek (near location A) and the western un-named tributary (near location D). This northern portion of the project area described in this report will be orchard cropland, but there is no crop or irrigation system installed at the time of this inspection.

Location A – This is the northeastern corner of the project area. As noted in the December 11, 2012 inspection, the runoff from this portion of the project is relatively small compared the rest of the project watershed. Additional mitigation measures have been installed since the December 11th inspection. Lt. McKay showed the locations where he sampled runoff from the project into Blitz Creek and also the western drain. There was a noted difference observed at the Blitz Creek location were runoff from the project by the silt fence compared to opposite side of the creek bed (see photos 12 – 15).

Location B – This is a plateau with mild to moderate sloping topography on the top with deep watercourses at the base. The Trinitas Partners group has made significant changes at this location since the December 11, 2012 site inspection. Photos 1 through 7a show the differences between the before (December 11, 2012), and after (January 10, 2013) management practices. Photos 3 and 7a show the two sediment basins. Photo 4 shows some of the channels installed that cross the runoff flow direction. These channels were installed to help catch runoff and reduce surface flow velocity. Photo 6 shows some of the added straw bales to slow runoff velocity and help catch some of the settleable solids. Photo 7a shows some of the erosion that is still occurring. Stormwater remaining in ponded areas from the January 5-6 rain events still had significant amounts of solids still suspended in the water. The suspended solids indicates how long and how far these sediments may remain mobile and travel during flow events. It also indicates the different practices required to manage these sediments vs the coarser sediments that will settle out in sediment ponds and filter systems such as waddles and straw bales. In addition, workers continue to be employed to remove the sediments from the drainage course to help prevent the sediments from continuing down-stream during subsequent flow events. There was a significant amount of rill and small gully erosion observed. Seen in Photo 7a, some of the erosion was cut deep into the soil. The eroded gully in Photo 7a was approximately 1 to 2 foot deep.

Native grasses are starting to become established in some of the project areas with less frequent grading and soil disturbance. I explained to Mr. Paton that hopefully the native grass can re-establish and help stabilize the soil. I explained that I had inspected a 1200 acre property not far from here that had a number of erosion practices that took advantage of the native grass. They installed a series of sediment ponds, left the native grass buffer strips in the water courses and around the ponds, as well as a number of other management practices that were successful. One of the practices that they used was wide buffer strips of native grass. They did not remove the native grasses where they wanted ground cover. That way they already had grass established before the first storm events. The key to their success was they had this information before starting their project. I told Mr. Paton that they got the management practice ideas from the Natural Resource Conservation Service (NRCS) because the erosion and management practices are different than those used for housing development type projects. I suggested that they contact the NRCS for information and advice. They have many years of experience and design specifications for cropland development and management.

Approved:		
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Location C – There was extensive modification compared to the December 11th inspection. As with the other site (Location A), channels have been installed across the flow gradient to help catch sediments and slow the surface runoff velocity. There were numerous signs of erosion, although not as extensive as in Location B. Some erosion of the channel berms was observed (See Photo 10).

Location D – This is the western drainage as it approaches the project property boundary at Hwy 108. Locations B and C on the map flow to this location. There is a sediment pond for runoff from a small area just east of the drainage. The drainage as it crosses under the Hwy flowing north toward the Stanislaus River is where it would be considered “off-property”.

SUMMARY:

A number of changes in management practices installed since the December 11, 2012 inspection. Water Board staff recognizes that the Trinitas Partners group has installed a number of erosion control measures. The more extensive measures were installed following the early December 2012 storm event. That event resulted in sediments from the project impacting Hwy 108, and an off-property discharge of sediment laden runoff into Blitz Creek and the western drainage reported to Water Board staff by DFG.

Staff recognizes and appreciates the cooperation regarding this inspection and the extent of the mitigation efforts Trinitas Partners has installed following the December 22 and 23 rain events. The soil type, topography, and weather in this part of Stanislaus County make a project of this extent difficult. Significant preplanning and mitigation measures that fit the extreme conditions are required. It is not uncommon for moderate rainfall totals for a 24 hour period to come in intense storm bursts. These types of events need to be considered as part of the project’s management plan.

A review of the data indicates that settleable solids appear to be manageable on property, but suspended solids and turbidity continue to be an issue. The suspended solids continue for extended distance and remain suspended for a significant amount of time. The January 10th inspection noted ponded water significant sediments still suspended from the January 6th storm event.

Staffs Inspection Report for the December 11, 2012 inspection noted that DFG reported two off-property sediment laden discharges flowed off-property, but did not reach the Stanislaus River. Since then DFG submitted information showing that two additional off-property sediment laden discharges did reach the river. These discharges were primarily suspended solids and turbidity exceedences.

Staff does recognize the efforts and cooperative spirit of Trinitas Partners, but the success and responsibility of the project meeting the water quality objectives is ultimately their responsibility.

Approved:		
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Figure A: Shows the basic areas of the inspection.

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Photo 1: December 11, 2012 – Location B, Figure A
Close-up of the gully erosion.



Photo 2: December 11, 2012 – Location B, Figure A
Looking north at the location of Photo 1.



Photo 3: January 10, 2013 – Location B, Figure A
Looking at the same location as Photo 1. Two sediment capture ponds have been installed with straw waddles.



Photo 4: January 10, 2013 – Location B, Figure A
Looking at a broader view of Photo 3. There has been considerable regrading for berms and sediment basins. Numerous rill and small gully erosion channels from the previous rain event were observed.



Photo 5: December 11, 2012 – Location B, Figure A
 Close-up of the gully erosion. It appears that there has been some erosion around the bales.



Photo 6: January 10, 2013 – Location B, Figure A
 The eroded gully has been regarded. Additional straw bales have been placed in the eroded channel. Work continues on removing eroded sediments from the water course (mid-right in the photo).



Photo 7a: January 10, 2013 – Location B, Figure A
 Looking south at the sediment ponds. A series of ditches have been installed to cross the direction of flow. These are intended to slow and capture some of the downhill stormwater flow. The gully in the foreground is an eroded gully from one of these channels. Note that the ponded water still has significant suspended sediments remaining from the January 5th and 6th rainfall events.



Photo 7b: January 10, 2013
 Other projects sites with potential erosion issues. The soil types varied throughout the project. Some soil types showed less erosion impacts. This location is farther east of Photo 7a. This photo and the top right of Photo 7a show that native grasses are starting to establish in some of the less disturbed ground.



Photo 8: December 11, 2012 – Location C, Figure A
Looking north. A series of straw waddles can be seen mid-right in the photo.



Photo 9: December 11, 2012 – Location C, Figure A
Looking northwest at the same location as Photo 8.



Photo 10: January 10, 2013 – Location C, Figure A
Looking at the approximate location as Photo 8 showing a series of channels constructed across the direction of runoff to help capture and reduce the runoff velocity.



Photo 11: January 10, 2013 – Location C, Figure A
Portions of the channel banks had eroded through. Also, a number of rill and small gully erosion was observed, indicating that the soil type is very susceptible to erosion. Ponded water from the previous (January 5 & 6) rainfall events still had suspended solids indicating that the soil type is susceptible to both settleable and suspended solid sediment runoff.



Photo 12: January 10, 2013 – Location A, Figure A
Looking west across Blitz Creek at the silt fence on the project property.



Photo 13: January 10, 2013 – Location A, Figure A
Looking upstream Blitz Creek from Hwy 108.



Photo 14: January 10, 2013 – Location A, Figure A
The runoff from the property project (Location A) flows into the creek along the west side. This is a close-up of the west side of the creek.



Photo 15: January 10, 2013 – Location A, Figure A
This is a close-up of the east side (or main channel) of the creek during lower flow events. During heavy flow events, the entire channel is full. The sediments seen in Photo 14 appear to be from runoff from the project property. The clearer water and significantly less sedimentation seen in Photo 15 indicated clearer water in Blitz Creek up-gradient side. Partially due to a lesser sediment load, as well as clearer water scouring sediments from the gravel.



Photo 16: Photo submitted by DFG of the Dec. 23, 2012 discharge. Location A, Figure A
 Looking up-gradient at Blitz Creek.
 DFG reported sample data for December 23, 2012:
 Settleable Solids = ND
 Total Suspended Solids = 39.0 mg/L
 Turbidity = 85.4 NTU



Photo 17: Photo submitted by DFG of the Dec. 23, 2012 discharge. Location A, Figure A
 Looking at the flow from the project property into Blitz Creek. Blitz Creek up-gradient from the confluence.
 DFG reported December 23, 2012 sample data flowing at the silt fence seen above:
 Settleable Solids = 0.4 mg/L
 Total Suspended Solids = 4,220 mg/L
 Turbidity = 3,190 NTU



Photo 18: Photo submitted by DFG of the Dec. 23, 2012 discharge.
 Looking south toward Hwy 108 (off-property in the western drainage). DFG reported sample data for December 23, 2012:
 Settleable Solids = 5.0 mg/L
 Total Suspended Solids = 16,800 mg/L
 Turbidity = 610 NTU



Photo 19: Photo submitted by DFG of the Dec. 23, 2012 discharge.
 The Stanislaus River looking up-river at the sediment in the Blitz Creek outfall. DFG reported sample data for December 23, 2012 of the creek outfall:
 Settleable Solids = 0.4 mg/L
 Total Suspended Solids = 3,580 mg/L
 Turbidity = 3,110 NTU
Up-gradient in the river:
 Settleable Solids = ND
 Total Suspended Solids = ND
 Turbidity = 3.9 NTU



Photo 16: Photo submitted by DFG of the Jan 6, 2013 discharge. – Location A, Figure A
 Looking at the flow from the silt fence into Blitz Creek.
 From silt Fence: Settleable Solids = ND
 Total Suspended Solids = 1230 mg/L
 Turbidity = 1430 NTU
 Up-stream Blitz Creek: Settleable Solids = ND
 Total Suspended Solids = 10.0 mg/L
 Turbidity = 20.9 NTU



Photo 17: Photo submitted by DFG of the Jan 6, 2013 discharge.
 Stanislaus River looking across at the sediment flow in the Blitz Creek outfall (combined Blitz Creek and un-named tributary)
 Blitz Creek outfall: Settleable Solids = ND
 Total Suspended Solids = 350 mg/L
 Turbidity = 440 NTU
 Up-stream River: Settleable Solids = ND
 Total Suspended Solids = 5.0 mg/L
 Turbidity = 7.7 NTU
 Down-stream River : Settleable Solids = ND
 Total Suspended Solids = 310 mg/L
 Turbidity = 439 NTU



Photo 18: Photo submitted by DFG of the Jan 6, 2013 discharge.
 Looking at the drainage on the west side of the project area.



Photo 19: Photo submitted by DFG of the Jan 6, 2013 discharge.
 Looking north at the west side drainage where it flows under the highway off-property.
 West drain: Settleable Solids = ND
 Total Suspended Solids = 1330 mg/L
 Turbidity = 1420 NTU



December 2, 2012
DFG Discharge Investigation
Water Sample Map

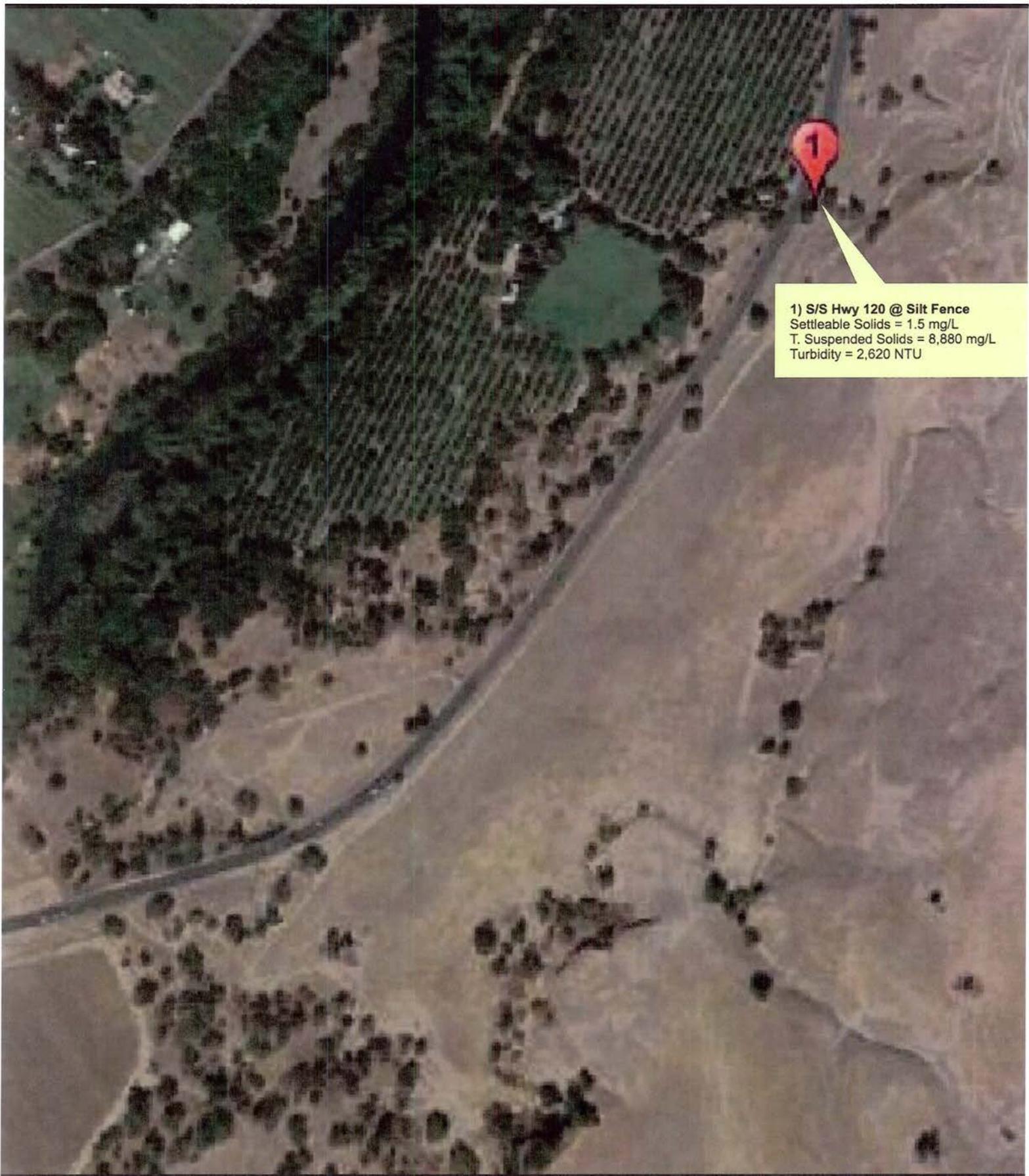


1) Creek 20 yrd upstream from mouth
Settleable Solids = 2.0 mg/L
T. Suspended Solids = 150 mg/L
Turbidity = 16.2 NTU

2) Creek N. Side Hwy 120
Settleable Solids = ND mg/L
T. Suspended Solids = 2,470 mg/L
Turbidity = 653 NTU



December 5, 2012
DFG Discharge Invest
Water Sample Map



1) S/S Hwy 120 @ Silt Fence
Settleable Solids = 1.5 mg/L
T. Suspended Solids = 8,880 mg/L
Turbidity = 2,620 NTU



December 22, 2012
DFG Discharge Investigation
Water Sample Map



(#4 on Comb. Lab Rpt) Stanislaus River Control
Settleable Solids = ND mg/L
T. Suspended Solids = ND mg/L
Turbidity = 3.9 NTU

(#2 on Comb. Lab Rpt) Blitz C
Settleable Solids = ND mg/L
T. Suspended Solids = 39.0 mg/L
Turbidity = 85.4 NTU

(#3 on Comb. Lab Rpt) S/S Hwy 120 @ Silt Fencel
Settleable Solids = 0.4 mg/L
T. Suspended Solids = 4,220 mg/L
Turbidity = 3,190 NTU

(#5 on Comb. Lab Rpt) Blitz Creek 20 yds from River
Settleable Solids = 0.4 mg/L
T. Suspended Solids = 3,580 mg/L
Turbidity = 3,110 NTU

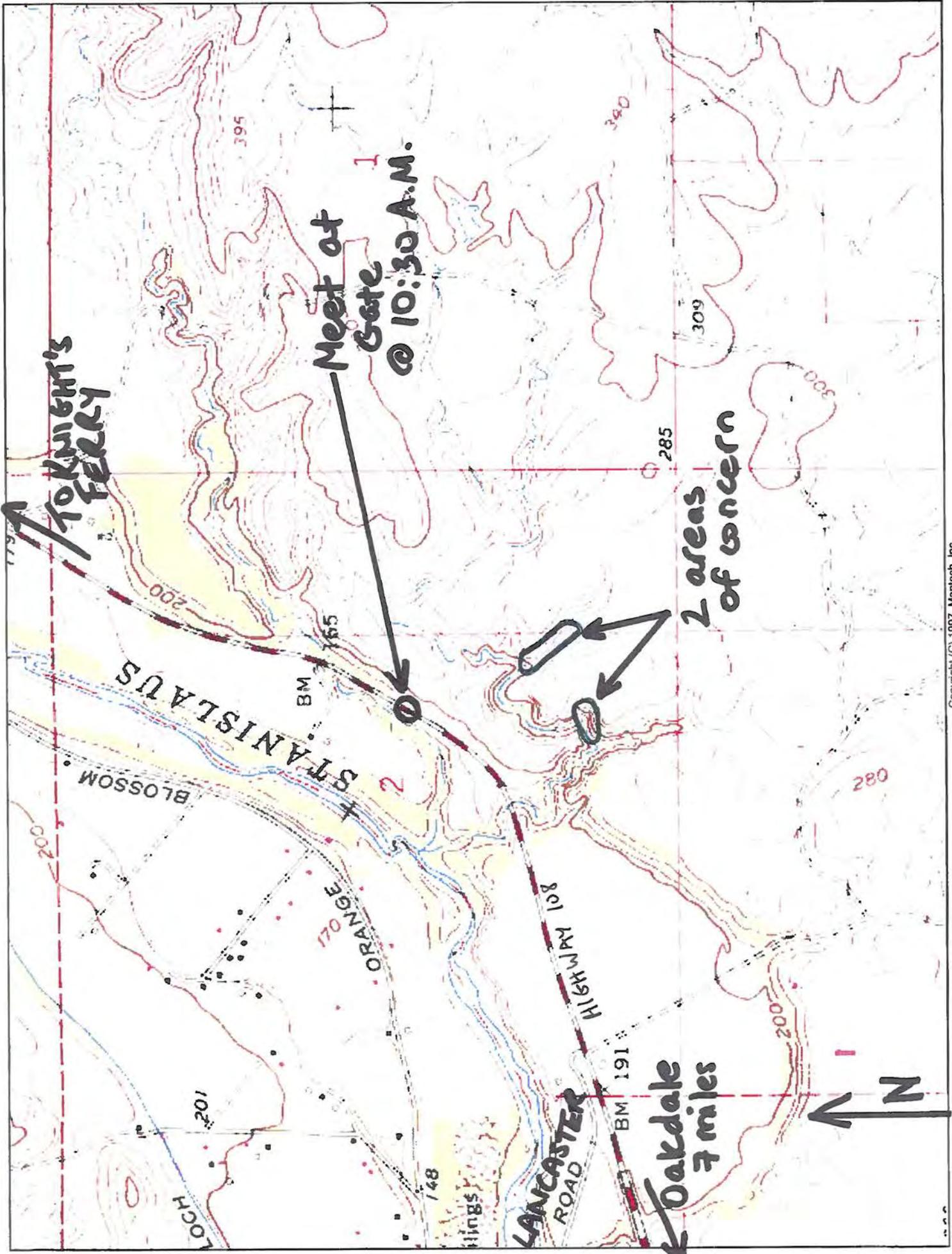
(#6 on Comb. Lab Rpt) D/S Hwy 120 @ Pool D/S Tunnel
Settleable Solids = 5.0 mg/L
T. Suspended Solids = 16,800 mg/L
Turbidity = 610 NTU



**December 23, 2012
DFG Discharge Inves
Water Sample Map**



January 6, 2013
 DFG Discharge Investigation
 Water Sample Map



Meet at Gate @ 10:30 A.M.

TO KNIGHT'S FERRY

2 areas of concern

Oakdale 7 miles