



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Thomas Gallagher
The Boeing Company
5800 Woolsey Canyon Road, MC 055-T487
Canoga Park, CA 91304-1148

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 0820 0001 6812 5184

WATER QUALITY CERTIFICATION FOR PROPOSED NORTHERN DRAINAGE RESTORATION MITIGATION AND MONITORING PROJECT (Corps' Project No. SPL-2012-15-AJS), UNNAMED EPHEMERAL TRIBUTARY TO ARROYO SIMI, SIMI HILLS, VENTURA COUNTY (File No. 12-001)


Dear Mr. Gallagher:

Board staff has reviewed your request on behalf of The Boeing Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 8, 2012.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of 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) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Please read this entire document carefully. The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact LB Nye, Section 401 Program, at (213) 576-6785.

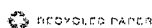


Samuel Unger, P.E.
Executive Officer

6-25-12
Date

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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ATTACHMENT A

**Project Information
File No. 12-001**

1. Applicant: Mr. Thomas Gallagher
The Boeing Company
5800 Woolsey Canyon Road, MC 055-T487
Canoga Park, CA 91304-1148

Phone: (818) 466-8161 Fax: (818) 466-8730
2. Applicant's Agent: Mr. Glenn Jaffe
MWH
618 Michillinda Avenue, Suite 200
Arcadia, CA 91007

Phone: (818) 391-4143 Fax: (626) 568-6515
3. Project Name: Northern Drainage Restoration Mitigation and Monitoring Project
4. Project Location: Simi Hills, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.240403	118.67273
34.239320	118.672320
34.235993	118.678722
34.236729	118.678902
34.238718	118.694136

5. Type of Project: Sediment control, creek stabilization
6. Project Purpose: The goal of the proposed work is to restore remediated areas in the Northern Drainage to the condition the areas were in prior to several soil, sediment, debris, and materials removal activities and to minimize sediment transport within and into the drainage.
7. Project Description: A Restoration, Mitigation, and Monitoring Plan (RMMP) for the Northern Drainage has been submitted to the Regional Board by Boeing and this certification permits the activities to be implemented in accordance with that RMMP. The RMMP is in accordance with the Cleanup and Abatement Order No. R4-2007-0054 (CAO) issued to Boeing on November 6, 2007.

The proposed in-stream stabilization measures include check structures, bank protection (including toe protection), and culvert

ATTACHMENT A

Project Information

File No. 12-001

outlet energy dissipation. Additionally, demolition or removal of existing check structures and in-stream boulders, which direct flow into susceptible banks, will be performed.

Check structures

Check structures will be installed to create an estimated 21 localized backwater conditions that reduce in-channel velocities and bank shear stresses and settle out suspended sediment. All in-stream check structures will be constructed of riprap. The maximum check structure height will be 3 feet. Natural in-stream cobble and boulders may be used when appropriate otherwise riprap available from local quarries will be used. Check structures will be sufficiently anchored; minimum anchoring depths will be equal to twice the median rock size.

Energy dissipation

Two Energy dissipation structures will be constructed of grouted riprap aprons with vegetated riprap used to stabilize the bank slopes above the toe.

LOX area HDPE pipes

A sandbag berm has previously been installed in the LOX area next to the Northern Drainage to slow flows and reduce erosion of the drainage slope. Along the sandbag berm, Boeing will install up to six (6) HDPE down pipes to allow storm drainage directly into the creek without sheetflow down the drainage slopes. The HDPE piping will be approximately 12-inch in diameter and will extend approximately 15-20 feet from the top of the slope to the creek bottom.

Bank stabilization

Bank stabilization will be used to reduce erosion of susceptible channel banks by installation of various bank stabilization measures. The bank stabilization will be done by reinforcing with (1) erosion control blankets, or turf reinforcement mats, (2) vegetated riprap protection with live staking or (3) coconut fiber roll stabilization of the toe of the slope with containerized plantings. Boeing will minimize erosion control blankets and turf reinforcement mats in favor of the vegetated riprap with live staking.

Boeing anticipates approximately 0.2 acres of erosion control

ATTACHMENT A

Project Information File No. 12-001

blankets and turf reinforcement mats, approximately 0.1 acres of vegetated riprap protection with live staking and approximately 0.7 acres of fiber roll and plantings.

The total project size is 5.4 acres. The permanent impacts to waters of this project are:

0.12 acres of structures (check structures, dissipaters)

1.0 acres erosion control and plantings

1.12 total acres

The project is scheduled to start in Spring 2012 and last for about five years.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP Nos. 3, 13, 18, 38 (Permit No. SPL-2012-15-AJS)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304 Minor Alterations to Land.
11. Receiving Water: Unnamed ephemeral drainage flowing to Arroyo Simi referred to as Northern Drainage (Hydrologic Unit No. 403.67)
12. Designated Beneficial Uses: MUN*, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0 temporary and 0.56 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Boeing Company and the National Aeronautics and Space Administration have performed Interim Source Removal Actions pursuant to a California Water Code Section 13304 Cleanup and Abatement Order (CAO) issued by the Los Angeles Regional Water Quality Control Board (RWQCB) dated December 3, 2008. The CAO was issued by the RWQCB to enforce compliance with the Waste Discharge Requirements for Outfall 009 (Northern Drainage)

ATTACHMENT A

Project Information File No. 12-001

contained in Order No. R4-2004-0111, as amended by Order Nos. R4-2006-0008, R4-2006-0036, and R4-2007-0055. The activities predominantly involved the removal of sediment and soil containing constituents of concern, from the Northern Drainage and adjacent areas.

A portion of the Northern Drainage that contained construction and other debris was evaluated, and the debris removed to restore the drainage to a more natural state.

Culverts that enable surface water to flow into the Northern Drainage were modified to improve their capacity for flow, to enable better control of sediment load, and to aid in evaluating flow.

Future similar activities may be implemented to continue to improve surface water quality.

16. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Schedule construction is to take place during dry weather.
- A trained erosion and sedimentation control professional will be provided to inspect and monitor construction controls per construction permit requirements.
- A BMP maintenance plan will be included in the project-specific SWPPP that addresses the inspection/monitoring report comments/action items.
- Rumble grates will be provided for vehicles exiting the site.
- Proper containment of fuel, portable toilets, trash debris, and other contaminant sources associated with construction supplies and equipment will be provided.
- Concrete wash-out area(s) will be provided if concrete will be used in stabilization measures.
- Vehicles will be prohibited from driving on the channel bed or banks.

ATTACHMENT A

Project Information File No. 12-001

- Temporary fencing will be installed between the immediate work area and surrounding vegetation in order to limit disturbance of vegetation.
- Perimeter protection will be properly installed around all potentially disturbed areas and stock pile areas.
- Upon completion of construction activities, appropriate erosion controls (e.g., vegetation planting, wattles, hydroseed/mulch, and/or erosion control blanket) will be installed in areas disturbed by construction activities.
- Dirt road stabilization measures (e.g., water bars) will be installed for any existing or new access roads that are used for construction purposes and limit traffic to essential vehicles only.
- Temporary rock bag check structures, or equivalent, will be properly installed to span the channel width just down gradient of in-stream disturbances.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed compensatory mitigation. The Project includes restoration of vegetated areas with native species. The end result will be a mixed riparian scrub and/or woodland in the channel bottom, with native shrubs and herbs on the slopes to control erosion.

18. Required
Compensatory
Mitigation

No additional compensatory mitigation will be required as these actions are to comply with Cleanup and Abatement Order No. R4-2007-0054. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions.

ATTACHMENT B

Conditions of Certification File No. 12-001

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and 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 Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

ATTACHMENT B

Conditions of Certification File No. 12-001

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
10. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
11. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
12. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

ATTACHMENT B

Conditions of Certification

File No. 12-001

13. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
14. All project/construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
15. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

ATTACHMENT B

Conditions of Certification File No. 12-001

16. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
17. The Applicant shall implement the Restoration, Mitigation, and Monitoring Plan (RMMP) for the Northern Drainage submitted to satisfy the Cleanup and Abatement Order No. R4-2007-0054 (CAO) issued to Boeing on November 6, 2007.
18. The Applicant shall perform assessments of the Northern Drainage using the California Rapid Assessment Method for Wetlands and Riparian Habitats (CRAM) to demonstrate project success.
19. The Applicant shall submit to this Regional Board Annual Monitoring Reports (Annual Reports) by January 1st of each year for a minimum period of five (5) years following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
20. All applications, reports, or information submitted to the Regional Board shall be signed:

ATTACHMENT B

Conditions of Certification
File No. 12-001

- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

21. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)

(Title)"

- 22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **12-001**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 23. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All

ATTACHMENT B

Conditions of Certification File No. 12-001

stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

25. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
26. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
27. *Enforcement:*
 - (a) 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 State law. For 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 assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

ATTACHMENT B

Conditions of Certification

File No. 12-001

28. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.