



**California Regional Water Quality Control Board
Los Angeles Region**



320 W. 4th Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Matthew Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

Ms. Norma Camacho
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

WATER QUALITY CERTIFICATION FOR PROPOSED WASON BARRANCA CHANNEL MAINTENANCE PROJECT (Corps' Project No. 2011-815-AJS), WASON BARRANCA, VENTURA COUNTY (File No. 11-111)

Dear Ms. Camacho:

Board staff has reviewed your request on behalf of Ventura County Watershed Protection District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 30, 2011.

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.

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 Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

11-22-11
Date

DISTRIBUTION LIST

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Zoe Carlson (via electronic copy)
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

Jeff Humble (via electronic copy)
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Antal Szijj (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Eric Raffini (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

ATTACHMENT A

Project Information

File No. 11-111

1. Applicant: Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009
Phone: (805)654-2032 Fax: (805)654-3350
2. Project Name: Wason Barranca Channel Maintenance Project
3. Project Location: Just east of the city of Ventura, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.2978 N	119.1467 W
34.2967 N	119.1464 W
34.2937 N	119.1488 W
34.2989 N	119.146 W
34.2984 N	119.1464 W
34.2956 N	119.1459 W
34.2950 N	119.1457 W
34.2935 N	119.1481 W

4. Type of Project: Channel maintenance
5. Project Purpose: Restore section of the Wason Barranca channel to the original condition, maintaining a 20-year-storm flood capacity. Reduce erosion and protect adjacent properties.

6. Project Description: The Ventura County Watershed Protection District (District) is proposing maintenance of the existing Wason Barranca flood control facility. The maintenance area extends from the confluence of Wason and Franklin Barrancas (near the intersection of Campanula Street and Highway 126) to Telegraph Road. The proposed project consists of the restoration of two sections of the Wason Barranca. The first section is the concrete lined trapezoidal channel extending from the confluence, easterly 1,100 feet to the Highway 126 undercrossing. The channel's concrete walls and invert have deteriorated. The second section is earthen and rock rip rap channel extending from the Highway 126 undercrossing, northeasterly 1,050 feet to an existing concrete weir. Portions of the riprap have deteriorated. The maintenance will restore this flood control facility to the original condition. The capacity is 850 cubic feet per second, which equates to a 20-year storm.

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Maintenance activities will include repair and replacement of concrete trapezoidal channel walls and invert, removal and replacement of weep holes, repair of cracks, repair of existing mixed earthen/grouted rock riprap channel, repair of eroded channel bank, and placement of rock riprap bank protection. Approximately 600 square feet of concrete, 31 cubic yards of drain gravel, 230 linear feet of cracks will be repaired, 140 linear feet of regouted riprap, and 20,600 tons of new grouted rock riprap will be installed, and the channel capacity will remain unchanged. All project work will occur on District property. Work will be completed in approximately 60 working days.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 31 (Permit No. 2011-00815-AJS)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
9. California Environmental Quality Act Compliance: The proposed project is Categoricaly Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
10. Receiving Water: Franklin Barranca (Hydrologic Unit No. 403.21)
11. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, COLD, WILD, RARE, WET
*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (ungroued to grouted rock channel): 0.02 permanent acres
Non-wetland waters (earth bottom riprap to grouted rock channel): 0.13 permanent acres
13. Dredge Volume: None

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14. Related Projects
Implemented/to be
Implemented by the
Applicant:

The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.

15. Avoidance/
Minimization
Activities:

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

- Temporary stockpiles outside the channels or debris basins shall be stabilized by compacting or other measures if present at the work site from December 1 to April 1.
- Silt fences, berms, or other methods shall be used to prevent sediments from being eroded from the temporary stockpile into the adjacent drainage.
- Permanent stockpiles shall be located landward of the 100-year floodplain to the maximum extent feasible.
- Prior to routine maintenance and repair activities performed within or adjacent to an earthen or earthen bottom channel or in-channel structure during the period March 1 to September 15, a district biologist or consulting biologist shall determine if suitable habitat is present for native breeding birds in or within 300 feet of the work area.
- The District shall follow the most up-to-date Best Management Practices (BMPs) and the monitoring and reporting requirements in the District's NPDES stormwater Quality Management Plan. The District shall also follow BMPs in the Ventura County Application Protocol for Pesticides, Fertilizers, and Herbicides.
- The District shall implement appropriate waste management practices during on site concrete repair operations.
- Water diversion activities undertaken as part of routine repair and maintenance operations in improved and unimproved channels as well as debris basins shall follow the BMP guidance established as the Water Diversion Guide found in the Program EIR.
- The District shall ensure that all equipment operating in and near a watercourse, or in a basin, is in good working condition and free of leaks.
- No equipment maintenance or refueling shall occur in a channel or basin bottom.
- Biological surveys will be conducted prior to any sediment removal, vegetation control (by herbicide application, mowing, or discing), or repair work in earthen or earthen bottom channels

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~~and basins that contain native aquatic, riparian, or wetland habitats suitable for sensitive fish and wildlife species.~~

- Invasive plant species shall be removed in a manner that prevents propagation.
- In the case of giant reed (*Arundo donax*) removal, the District shall minimize ground disturbance and use foliar glyphosate treatment on smaller infestations as much as possible.
- Noise generating construction activities shall be restricted to the daytime (i.e., 7:00 AM to 7:00 PM, Monday through Friday)

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed 2:1 mitigation i.e., 0.26 acres for unvegetated streambed (0.13 acres of impact in earthen bottom channel) and 0.04 acres for unvegetated streambed (0.02 acre of impact of ungrouted to grouted rock channel). Habitat enhancement is proposed off-site within an unnamed tributary to Santa Paula Creek located approximately 7.5 miles northeast of the project site by removing giant reed and other exotic plant species. Due to insufficient capacity in Wason Barranca to convey 100-year flood flows, it cannot support vegetation without increasing the flood risk to adjacent and downstream properties.

17. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation as proposed above.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification

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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. **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. 15, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved (maintenance plan), and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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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. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Dr. Wen Yang of the Land Disposal Unit at (213) 620-2253 for further information regarding the disposal of solid wastes.
10. 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.
11. 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.
12. 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.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved.

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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.

15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.

16. 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.

17. 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.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

18. All project/construction/maintenance 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.

19. 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. Any surface water diversion activities undertaken as part the project shall follow the Water Diversion Guide for the Program Environmental Impact Report, Environmental Protection Measures for the Ongoing

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Operations and Maintenance Program (SCH No. 2002091107). 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.

20. The Applicant shall restore the proposed **0.22 acres** 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. . The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.15 acres** within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 2:1 area replacement ratio (**0.30 acres**). The mitigation site shall be located within the Santa Paula Creek Watershed unless otherwise approved by this Regional Board.
22. The Applicant shall submit to this Regional Board **Annual Mitigation 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:

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- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation 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 (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.

23. All applications, reports, or information submitted to the Regional Board shall be signed:

- (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.

24. 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 _____

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_____ (Signature)

_____ (Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 11-111. Submittals shall be sent to the attention of the 401 Certification Unit.
26. 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.
27. 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 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.
28. 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.
29. 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.
30. *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.

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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.
31. 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.