



# California Regional Water Quality Control Board Los Angeles Region



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Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

Mr. Rich Hill  
Chevron Environmental Management Company  
9525 Camino Media  
Bakersfield, CA 933311

## WATER QUALITY CERTIFICATION FOR PROPOSED LC-31/36 EROSION REPAIR AND DRAINAGE IMPROVEMENT PROJECT (Corps' Project No. 2010-00773-AJS), VENTURA OIL FIELD, VENTURA COUNTY (File No. 10-132)

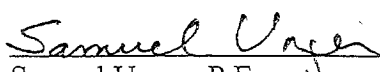
Dear Mr. Hill:

Board staff has reviewed your request on behalf of Chevron Environmental Management Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 27, 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.

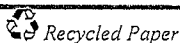
**Please read this entire document carefully.** The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or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

Should you have questions concerning this Certification action please contact Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

Sept. 12, 2011  
Date

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

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**ATTACHMENT A**

**Project Information  
File No. 10-132**

1. Applicant: Chevron Environmental Management Company  
9525 Camino Media  
Bakersfield, CA 93311  
  
Phone: (661) 654-7273 Fax: (661) 654-7431
2. Applicant's Agent: James Tolar  
Padre Associates, Inc.  
1861 Knoll Drive  
Ventura, CA 93003  
  
Phone: (805) 644-2220 Ext. 27 Fax: (805) 644-2050
3. Project Name: Erosion Repair and Drainage Improvement at the LC-31 and LC-36 Areas
4. Project Location: Ventura Oil Field, Ventura County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.321800       | 119.239900       |
| 34.323033       | 119.242617       |
| 34.324283       | 119.241483       |
| 34.324333       | 119.240717       |
5. Type of Project: Earthen embankment protection
6. Project Purpose: The proposed project (Project) will restore eroded slopes for the protection of the existing earthen embankment, to support oil field access roads and pipeline, drainage improvement, and erosion reduction.
7. Project Description: Past storms at the project site (Site) have caused significant erosion on the banks of unnamed tributaries of the East Fork of Hall Canyon Creek resulting in the failure of one of the primary drainage culverts, as well as headward erosion, and slope instability. The

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proposed repair and drainage improvements will reduce future erosion by stabilizing the bank and reducing the release of sediments to downstream reaches of the unnamed tributaries of the East Fork of Hall Canyon.

Roadways over earthen dam drainage crossings in the upper portion of the East Fork of Hall Canyon have been used for access to the many facilities located in this portion of the Ventura Oil Field. The facilities include oil production wells, tank batteries, and pipelines. The two earthen dams have drainage structures constructed to protect the access roads from erosion. Although most of the tank settings and pipelines in the area have been abandoned, the areas around wells LC-31 and LC-36 are still utilized for oil production through the use of active oil wells and existing pipelines. Over the years, erosion has occurred on slopes supporting the access roads and pipeline corridors. These areas need to be repaired and maintained to facilitate continued access to and protection of the remaining facilities.

The Site is located in two unnamed tributaries of the East Fork of Hall Canyon Creek approximately 0.35 miles northwest of East-Fork of Hall Canyon-Creek. The Project will occur near the confluence of the two unnamed tributaries, upstream to the west approximately 750 feet to the LC-31 area, and upstream to the north approximately 750 feet to the LC-36 area. The western limits of the Site are located near the LC-31 earthen dam and 36-inch corrugated metal pipe (CMP) culvert inlet structure, and the northern limits are located near the LC-36 earthen dam and 30-inch diameter CMP culvert inlet structure.

Access to the erosion repair areas will occur in areas south of the LC-31 and LC-36 areas due to the presence of several active pipelines located at the top of slope. An existing access road approximately 550 feet in length located near the confluence of the two unnamed tributaries will be established to serve as the primary access to the two slope repair areas. From the terminus of the existing access road, LC-31 will be accessed through the creation of a temporary access road within the drainage channel, and LC-36 will be accessed through the creation of a temporary access road in an upland area adjacent to the LC-36 drainage channel. These access roads will be utilized to transport destabilized and fill materials and equipment to the erosion repair areas. Following

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completion of the erosion repair at LC-31 and LC-36, the temporary access roads will be removed and these areas will be restored to pre-project conditions. All equipment staging will occur outside of CDFG and Corps jurisdictional areas in an unpaved upland area immediately east of LC-31.

Repair of the slopes below LC-31 and LC-36 will be accomplished by removing the majority of materials destabilized by past erosion, preparing these areas for fill, and placement and compaction of fill materials using conventional heavy equipment. Soil will be compacted to at least 90% relative compaction. The compaction of the fill material will be accomplished using a sheep's foot roller or vibrating compactor. The slope will be essentially restored to its historical configuration.

Once the compacted fill slopes are restored, the drainage culverts which were removed during past slope destabilization and erosion will be extended down to the toe of the repaired or adjacent existing slopes. Earthen berms may be constructed adjacent to the top of the slopes on the shoulders of the existing oilfield roads to direct storm run off to prevent erosion on the new fill slopes. Portions of the slopes will be covered with erosion control materials (jute netting as an example) and planted with riparian container plants and hydro seeded with a native seed palette to reduce the potential for future erosion. Additionally, water velocity dissipation structures may be constructed immediately downstream of the CMP culvert outlets with ungrouted rock rip-rap.

Improvements in the function of the existing 36-inch CMP at LC-31 and the 30-inch CMP at LC-36 drainage culvert inlets will consist of adding a debris screen and perforated vertical extension to each inlet. The vegetation in the area immediately upstream (north) of the CMP drainage culvert inlets will be removed and these areas will be maintained free of vegetation for the life of the environmental permits. An earthen access road will be created in these areas for drainage culvert inlet maintenance purposes. The intent of maintaining areas upstream of the inlets free of vegetation and the creation of the earthen access ramps is to allow access for annual clearing of accumulated debris within or surrounding the inlets prior to the start of the rain season.

The erosion repair activities will occur during the dry season, when

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no surface flows are anticipated to be present. However, if surface flows are present, stream flow will be diverted around the erosion repair areas and discharged within the existing streambed downstream of the active work area. Surface water diversion at both LC-31 and LC-36 will involve collection of all surface water flows upstream of the Site with a temporary berm and pumped through two diversion pipelines to stream reaches downstream of the Site. The temporary berm used to retain surface flows will be constructed of low-silt alluvium or sand bags, which will not cause sediment releases to downstream reaches. The discharge point of the two diversion pipelines will be placed to prohibit erosion and subsequent releases of sediments to downstream reaches. If needed, sand bags, visqueen, or 1-ton rock rip-rap will be placed immediately downstream of the diversion pipelines as surface water velocity dissipaters. All portable pumps utilized for surface water diversion activities will be placed over proper secondary containment.

The Project activities which will take place within Clean Water Act (CWA) jurisdiction include (1) a permanent un-grouted concrete rock rip-rip energy dissipater at the LC-31 area embankment drain outlet; (2) erosion repair at the LC-36 area; and (3) construction of temporary access routes to the LC-31 area.

The proposed project will result in temporary impacts to approximately 0.1 acre, and permanent impacts to approximately 0.01 acre of CWA areas. Temporary losses of riparian and upland vegetation common to the project area may occur. The temporary and permanent impacts to CWA and CDFG jurisdictional areas will be mitigated through the development and implementation of a Revegetation and Restoration Plan for the area within the two unnamed drainages of the East Fork of Hall Canyon that will be affected by the implementation of the Project.

Hall Canyon Creek is approximately 5.2 miles long, with its headwaters originating from steep, incised canyons descending from the ridgeline above the Ventura Oilfield. East Fork Hall Canyon Creek is about 3.5 miles long, diverging from the main stem approximately 1.6 miles from its terminus. Downstream of the confluence of the East and West Forks, Hall Canyon drains into Prince Barranca, which is channelized through the City of Ventura in an underground culvert, which then reaches a confluence with

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San Jon Barranca, and flows into the Pacific Ocean.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 43 (Permit No. 2010-73-AJS)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement  
  
County of Ventura  
Grading Permit
10. California Environmental Quality Act Compliance: This Regional Board determined that this proposed project is Categorical Exempt from CEQA pursuant to Section 15330.
11. Receiving Water: East Fork of Hall Creek, Ventura County Coastal Streams (Hydrologic Unit No. 402.10)
12. Designated Beneficial Uses: MUN\*, IND, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET  
  
\*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.1 temporary acres (880 linear feet), and 0.01 permanent acres (20 linear feet)
14. Dredge Volume: None
15. 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.
16. Avoidance/Minimization: The Applicant has proposed to implement several Best Management Practices (BMPs), including, but not limited to, the

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Activities:

following:

- Disturbance or removal of vegetation will not exceed the limits indicated in the Biological Resource Study as submitted to this Regional Board on May 18, 2011.
- The disturbed portions of Corps jurisdictional areas will be restored to their original condition.
- Project limits will be flagged to identify the vegetation removal limits within jurisdictional areas.
- Temporary disturbance areas outside of excavation where vegetation must be removed with a diameter breast height of three inches or less will be cut to ground level with hand tools rather than by grading.
- Staging and storage areas for equipment and construction related materials will be located outside of jurisdictional areas.
- Vehicles will not be driven or equipment operated in water covered portions of Corps jurisdictional areas or where wetland vegetation, riparian vegetation, or aquatic organisms may be affected, except when performing any water diversion activities.
- Access to work areas will use existing roads and access ramps.
- Temporary ramps will be removed upon project completion.
- Any material placed in seasonally dry portions of Corps jurisdictional areas shall be removed prior to inundation.
- No debris, petroleum, or other products (or materials hazardous to aquatic life, will not be allowed to contaminate the soil or enter jurisdictional areas.
- All materials will be immediately removed if they are placed within CDFG and Corps jurisdictional areas.
- At the completion of construction activities all excess construction materials and debris will be removed from the project area.



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- No rubbish will be placed within 150 feet of the high water mark or CDFG jurisdictional areas.
- All equipment or vehicles used within jurisdictional areas will be checked daily to prevent leaks or Material contamination.
- Stationary equipment including motors, pumps, generators, and welders located within jurisdictional areas will be placed over drip pans or other adequate secondary containment.
- Secondary containment will be sized to accommodate a catastrophic equipment spill or leak. Spill equipment will be maintained onsite before and throughout construction activities, and if a spill occurs, clean up procedures will be immediately implemented.
- No equipment maintenance will be performed within any Corps jurisdictional areas where Materials may enter jurisdictional areas.
- The clean-up and public agency notification (CDFG Office of Spill Prevention and Response) shall begin immediately.
- Project planning will minimize turbidity, including the temporary use of silt fencing, straw bales, sand bags, silt catchment basins, so that silt or other deleterious materials are not allowed to flow into downstream reaches.
- Necessary steps will be taken to contain sediment and reduce stream turbidity when the work area are re-watered, and may include the installation of an appropriate sediment control devices downstream of the work area.
- Surface flows will be diverted only when the construction of the diversion is complete.
- Diversion berms will be constructed of approved materials. Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock rip rap, visqueen, or other protective materials, and removed when work is completed.

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- Water diversion will support all normally occurring aquatic life upstream and downstream of the diversion.
- If a diversion is implemented, the original channel shall be surveyed by a qualified biologist so that all aquatic organisms will be captured and relocated to an area of suitable habitat and not affected by project activities.
- To avoid impacts to breeding and nesting birds that are protected under the Federal Migratory Bird Treaty Act (MBTA) of 1918 and Sections 3503, 3503.5, and 3515 of the CDFG code, vegetation will not be removed or disturbed, or any other construction activities during the nesting bird period from March 1 to September 15.
- If work during the breeding and nesting period cannot be avoided, then prior to construction or site preparation activities, a qualified biologist will survey all breeding and nesting habitats within the project area and within 500 feet adjacent to the project area for breeding and nesting birds.
- Breeding and nesting bird surveys will occur at least one week before the schedule start of construction activities and will be conducted every ten days throughout the nesting bird period. If no breeding and nesting birds are observed, site preparation and construction activities may proceed.
- If breeding activities or an active bird nest is observed, a minimum 100-foot (or for raptors a 300-foot) buffer will be established and maintained. This area will not be disturbed until the nest becomes inactive, the young have fledged, and young are no longer receiving parental care, the fledglings have left the area, and there will be no potential impacts to the fledglings. A qualified biologist will assess the applicability of the 100-foot buffer to certain common species tolerant of anthropogenic disturbance and will have the ability to reduce this buffer to 50 feet if it is warranted. For nesting special-status bird species, the Applicant will contact the CDFG to determine if a 100-foot buffer is sufficient.
- Prior to and construction during the raptor nesting season

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(January 31 to September) of each year, a qualified biologist will conduct a site survey for active raptor nests two weeks prior to any scheduled construction activity. If an active raptor nest is observed, then no construction activity will be conducted within a 300 foot radius of the nest until the young have fledged and are independent of the adults.

- A qualified biologist will conduct pre-construction surveys of the project and adjacent areas to confirm the presence or absence of wildlife and special-status species. If any wildlife including special-status species are observed during the pre-construction surveys, the wildlife will be captured and relocated (if feasible) to an area of suitable habitat that will not be affected by project activities.
- Due to the presence of suitable silvery legless lizard (*Anniella pulchra pulchra*) habitat onsite, moderate-level surveys (Kuhnz et al., 2005) for this species will be performed. Moderate-level surveys will be conducted by raking (with hand tools) all suitable habitat where this species may be present, capturing all individuals, and relocating them to areas of suitable habitat at least 100 feet from any potential impact areas. The majority of the survey effort will be focused on suitable habitat surrounding short vegetation and in areas with high levels of duff and organic materials (Kuhnz et al., 2005).
- All observations of special-status species will be recorded to the CDFG Natural Diversity Database within approximately 10 days of the observations. This will be performed for all observations that occur during the pre-construction surveys and during the implementation of the subject project.
- A qualified biologist will survey for wildlife including special-status species prior to each project phase (vegetation removal; water diversion activities; slope excavation, stabilization, and fill). The biologist will be onsite during vegetation clearing activities, water diversion activities, and initial grading activities within CDFG jurisdictional areas. Following this period, the biologist will be onsite at least three times per week (for duration of half of the work day) during project activities within CDFG jurisdictional areas for the duration of the project. The biologist will periodically arrive at the work site prior to the start of the work day to determine if the entrapment of and wildlife has

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occurred.

- If any life stages of any native vertebrate species are found in the path of construction, the biologist will relocate the species to an area of suitable habitat away from the project impact area. The biologist may also require the implementation of specific wildlife exclusionary devices to prevent the ingress of additional individuals into the project area.
- An environmental sensitivity training will be created and provided to all project personnel entering the work area. The Applicant will maintain records of all personnel that attended the educational program.
- Any person not having attended the environmental sensitivity training will not be allowed on the project site.
- The environmental sensitivity training will include photos or illustrations of the special-status species and their habitats potentially occurring onsite, discussions on measures to protect the species, what BMPs are required for the project, and what measures are to be taken if wildlife are observed in the project area.
- If any state or federally endangered or threatened species are found within 500 feet of the project area, the Applicant shall immediately contact the appropriate agency (CDFG or U.S. Fish and Wildlife Service) to notify them of the sighting and shall request an onsite inspection of the project area by agency representatives to determine if work shall begin or proceed. If work is in progress when this sighting occurs, the Applicant and their contractors will cease work within 500 feet of the observation and shall contact the responsible agency to determine if work within this 500-foot zone shall recommence.
- If the responsible agency determines that endangered or threatened species will be impacted by the proposed work, the Applicant will obtain the appropriate permits for take of threatened or endangered species.
- Work will only occur during daylight hours and no active work during the night will be performed.

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- Fully covered and secured trash cans will be installed within the Site to contain all food related waste and miscellaneous waste.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed mitigation in a "*Mitigation and Biological Monitoring Plan for the LC-31 and LC36 Erosion Repair and Drainage Improvement Project Within Two Unnamed Tributaries of the East Fork of Hall Canyon Ventura County, California*" which includes onsite restoration of impacted areas and offsite mitigation area of 0.48 acres.

18. Required  
Compensatory  
Mitigation:

The Applicant shall restore all temporary impacts. Additionally the Applicant shall provide 0.13 acres of compensatory mitigation of vegetated streambed for impacts created to waters of the state and U.S. which may be included in the offsite mitigation area. 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 File No. 10-132

#### 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 notification letter of July 1, 2011, 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.

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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 and/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 the Land Disposal Unit, at (213) 620-6119 for further information.
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. 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.

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14. 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.
15. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
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** 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 and construction activities not included in this Certification which may require authorization, a permit, or certification must be reported to this Regional Board. Bank stabilization, grading, or any other ground disturbances which are subject to restoration and revegetation requirements may require additional Certification.
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. 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



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- 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 **0.10 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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.10 acres** waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.10 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.01 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **3:1** area replacement ratio (**0.03 acres**) for a total of **0.13 acres**. If the Applicant proposes funding to a third-party organization for the creation or restoration of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, as in-lieu fees or in combination with on-site mitigation, then funding shall apply to mitigation acreage only exclusive of administrative costs. The mitigation site shall be located within the Ventura County Coastal Streams Watershed or Ventura River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

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- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
- (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (d) Mitigation shall include, to the extent practicable, a linear component equal to the disturbance created (900 linear feet).
- (e) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

- 22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
- 23. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
- 24. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following the issuance of this 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail: (1) the current status whether or not any project activities have commenced; (2) all of the project or construction activities performed during the previous year; (3) all restoration and mitigation efforts, including the percent survival of each plant species and its individual percentage of cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) as it effects the mitigation process. At a minimum the Annual Reports shall include the following:
  - (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;

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- (c) The overall status of project;
  - (d) A detailed schedule of work;
  - (e) Copies of all permits revised as required in Additional Condition 1;
  - (f) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (g) A certified Statement of "no net loss" of wetlands associated with this project;
  - (h) Discussion of any monitoring activities and exotic plant control efforts; and
  - (i) A certified Statement from the Applicant that all conditions of this Certification have been met.
25. 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.
26. 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)"

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27. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-132**. Submittals shall be sent to the attention of the 401 Certification Unit.
28. 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.
29. The project shall 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.
30. 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.
31. 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.
32. *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.

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### Conditions of Certification File No. 10-132

- (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.
33. 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.

