

Los Angeles Regional Water Quality Control Board

Mr. Ken Matsuoka
City of Camarillo
601 Carmen Drive
Camarillo, CA 93010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9683

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED MISSION OAKS BOULEVARD BRIDGE MAINTENANCE PROJECT (Corps' Non-notifying NWP 3), CALLEGUAS CREEK, CITY OF CAMARILLO, VENTURA COUNTY (File No. 14-042)

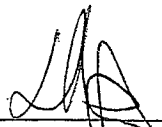
Dear Mr. Matsuoka:

Board staff has reviewed your request on behalf of City of Camarillo (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete July 15, 2014.

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.

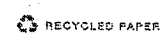
Please read this entire document carefully. The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

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
Chief Deputy EO
fos

8-13-14
Date



DISTRIBUTION LIST

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Antal Szijj
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Ventura Coastkeeper
Attn: Jason Weiner
Associate Director and Staff Attorney
3875-A Telegraph Rd #423
Ventura, CA 93003

ATTACHMENT A

Project Information

File No. 14-042

1. Applicant: City of Camarillo
601 Carmen Drive
Camarillo, CA 93010
Phone: (805) 383-5672 Fax: (805) 388-5387
2. Applicant's Agent: GPA Consulting
231 California Street
El Segundo, CA 90245
Phone: (310) 792-2624 Fax: (310) 792-2696
3. Project Name: Mission Oaks Boulevard Bridge Maintenance Project
4. Project Location: City of Camarillo, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.21635	119.01548
34.21638	119.01523
34.21651	119.01530
34.21639	119.01528
34.21646	119.01531
34.21649	119.01541
34.21644	119.01543
34.21645	119.01535

5. Type of Project: Rock slope repair
6. Project Purpose: The proposed project (Project) will repair the rock slope protection between the bridge footing and drain outfall to prevent further undermining that could lead to a public safety hazard and the loss of the Mission Oaks Boulevard Bridge structure.
7. Project Description: During the 2004-2005 rainy season, the grouted rock slope protection in the channel bottom washed out beneath the 72-inch storm drain outfall, and an area adjacent to a bridge pier was

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scoured out. The scoured area measures approximately 15 feet by 30 feet, eight feet deep under the outfall, and three feet by 20 feet, two feet deep at the bridge pier. Subsequent to the scour event, the void was filled temporarily with native materials to prevent damage to the bridge structure; however, these materials are not sufficient to prevent further scour at this location. The Project will include removal of native material from scour area with the replacement of rock slope protection around the bridge footing. Approximately 138 yards of native material will be stockpiled in an upland area outside of the active creek channel. The project is estimated to impact 0.01 temporary acres of unvegetated streambed.

The scour-hole, approximately eight feet deep, will be filled with imported 36-inch diameter rock slope protection. The rock slope protection will also be deposited in the flow channel between the bridge footing and drain outfall to replace the scoured-out grouted rock slope protection. Following the placement of rock slope protection, the stockpiled native material will be used as backfill, to be made flush with the streambed bottom. All work will be conducted in dry conditions and a water diversion will not be required. No vegetation removal will be conducted. Heavy equipment will access the site from the bike path on the west side of the bridge.

All work will be conducted by the Ventura County Watershed Protection District (VCWPD) Operations and Maintenance department within the VCWPD right of way or within the City of Camarillo right of way.

The work underneath the bridge will temporarily disturb the area around the bridge pier walls and slope banks within the project footprint. Measures for preventing materials, equipment, and debris from falling into the channel will be implemented at all times during the project operations.

- | | |
|--|---|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
Non-notifying NWP 3 |
| 9. Other Required
Regulatory Approvals: | None |

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10. California Environmental Quality Act Compliance: The City of Camarillo filed a Notice of Exemption with the Ventura County Clerk on April 14, 2014 that the Project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities, (d) restoration or rehabilitation of damaged structures.
11. Receiving Water: Calleguas Creek (Hydrologic Unit Code: 180701030103)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.01 temporary acres (30 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 Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Staging areas will occur outside the stream channel.
 - The Applicant will implement appropriate hazardous material emergency handling for contaminant if releases should occur.
 - All equipment refueling and maintenance will be conducted in the upland staging areas as per regulatory permits.
 - Vehicles and equipment will be checked daily for fluid and fuel leaks.

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- Drip pans will be placed under all equipment that is parked and not in operation.
- All work areas within the creek will be reduced to the extent feasible.
- A wildlife survey will be conducted no more than three days prior to the start of construction to ensure that no sensitive wildlife species are in the construction area.
- If any special-status or otherwise protected species are found in or adjacent to the construction area, avoidance measures will be developed and implemented in coordination with the appropriate resource agencies.
- No construction will be initiated until appropriate measures are in place to avoid impacts on wildlife species.
- A pre-construction survey for nesting birds will be conducted by a qualified biologist within two days of beginning construction activities to determine the presence or absence of active nests in the project area.
- If an active nest is located within the 150-foot area, a buffer zone shall be established by the biologist in coordination with the appropriate resource agencies, and shall be monitored until birds have fledged or are no longer in harm's way, as determined by the qualified biologist.
- Nesting surveys will be conducted weekly during construction by a qualified biologist to ensure the activities taking place do not disturb or otherwise harm nesting birds.
- If any special status species is encountered during construction:
 - 1) all construction activities shall cease until appropriate corrective measures have been implemented, or;
 - 2) a qualified biologist, in coordination with the appropriate resource agencies, has determined that the species will not be harmed.

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- Any sightings of special status species will be reported to the appropriate resource agencies.
- All trash will be removed from the project area daily to avoid impacts to common as well as listed wildlife species.

17. Proposed
Compensatory
Mitigation:

None

18. Required
Compensatory
Mitigation:

Due to the temporary nature of the impacts and because the impacted area will be returned to a state flush with the streambed, the Regional Board will not require any compensatory mitigation. 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, 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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Conditions of Certification File No. 14-042

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.
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. 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.

16. All project or 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.
17. 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.

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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.

18. 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. 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.
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 and project completion 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. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project;
 - (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
 - (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

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- (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:
- (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 **14-042**. 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

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implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.

25. 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. 2012-0011-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.
26. 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.
27. 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.
28. *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.

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- (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.
29. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.