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GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

WATER QUALITY ORDER NO. R4-2019-XXX WASTE DISCHARGE REQUIREMENTS

Effective Date: July 11, 2019

Program Type: Fill/Excavation

Project Type: Channel Construction and Maintenance

Project: Olivas Park Drive Extension Project- Parcel 11

Applicant: Hofer Properties LLC

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I. Order

This Order for Waste Discharge Requirements (Order) is issued at the request of Hofer Properties, LLC (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on July 10, 2018. The application was deemed complete on October 17, 2018.

II. Public Notice

The Los Angeles Water Board provided public notice of the draft Order from July 23, 2019 to August 22, 2019.

III. Project Purpose

The purpose of the Project is to prepare the site for commercial development.

IV. Project Description

The Project site is vacant and disturbed from annual disking for weed control and previous fill operations. The Project site currently has a debris basin, an agricultural channel, and a depression area.

The drainage is hydrologically connected to another agricultural channel south of Olivas Park Drive via an existing culvert. Based on a review of aerial images, the preliminary Jurisdictional Delineation determined that the agricultural channel network does not connect to the Santa Clara River. The Army Corps of Engineers approved the Jurisdictional Determination and found that the features on the project site were “...an intrastate isolated water with no apparent interstate or foreign commerce connection.”

The agricultural channel is a permanent feature on the landscape that can hold water for long periods during the agricultural growing season. The channel appears to be drained and filled frequently to meet human needs. The agricultural channel includes a low-flow channel and an active floodplain which support freshwater emergent wetlands.

The small depression (0.007 acre) is located in the southern part of the Project site. No wetlands were identified in this area.

The existing agricultural channel and the depression will be filled and the site re-contoured. To allow for the continued conveyance of flows currently within the agricultural channel, the Project will construct a new 36-inch reinforced concrete pipe (RCP) storm drain line that will extend approximately 742 linear feet from the northwest corner of the project site to its outlet south of Olivas Park Drive, in roughly the same alignment as the current agricultural channel. The RCP will outlet onto a riprap pad adjacent to the current downstream location of the agricultural channel.

The debris basin is located in the northwest corner of the Project site and supports wetland habitat. The debris basin appears to have been created as part of the automobile dealership development north of the subject property and will remain.

The Project will also include the installation of a reinforced concrete pipe and culvert under Olivas Park Drive to redirect waters from the current agriculture channel alignment.

V. Project Location

The project site is located at the northwest corner of Perkin Avenue and Olivas Park Drive. An office park to the west, an automotive dealership complex to the north, and agricultural lands to the east and south border the site.

<u>Latitude</u>	<u>Longitude</u>
34.243390	-119.204894
34.241564	-119.203606
34.243693	-119.205114
34.243445	-119.204960
34.243460	-119.204895
34.241449	-119.203698
34.242091	-119.204307
34.242513	-119.204522

Maps showing the Project location are found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Los Angeles Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at:

http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by ensuring the MUN beneficial use is protected through various BMPs and other conditions designed to minimize impacts.

Receiving Water: Santa Clara River Reach 2

(Hydrologic Unit Code: 180701020904)

Designated Beneficial Uses:

MUN*, IND, PROC, AGR, GWR, FRSH, WARM, COLD, WILD, RARE, MIGR, WET

*Conditional beneficial use

VII. Description of Direct Impacts to Waters of the State

Table 1. Total Project Fill/Excavation Quality: Permanent Impacts

Aquatic Resource Type	Acres	LF
Wetland	0.12	850

VIII. Compensatory Mitigation

The Permittee will provide compensatory mitigation at a 2:1 ratio for direct impacts, described in section XII, H.

IX. California Environmental Quality Act (CEQA)

On June 13, 2014, the City of Ventura, as lead agency, adopted an initial study/negative declaration (IS/ND) for the Project. The Los Angeles Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the City of Ventura's adopted environmental document comports with the requirements of CEQA and is valid. (Cal. Code Regs., tit. 14 § 15096(e); Pub. Resources Code, § 21167.2) The Los Angeles Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Ventura adequately addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).)

X. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code Section 13320. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XI. Fees Received

A fee of \$1,592 was received on December 4, 2018. The fee amount of \$1,592 for the proposed project has been determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as Fill and Excavation Discharges, with the dredge and fill fee calculator.

XII. Conditions

The Los Angeles Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

Requirements for the content of these reporting and notification types are detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary of Project effective date. Annual Reporting requirements are detailed in Attachment C. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

- a. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Los Angeles Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- b. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,¹ and no further Project activities will occur. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Los Angeles Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials²

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:
(800) 852-7550 or (916) 845-8911

¹ Completion of post-construction monitoring shall be determined by Los Angeles Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

² "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- Lastly, follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
 - ii. Following notification to OES, the Permittee shall notify Los Angeles Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, or delivered written notice.
 - iii. Within five (5) working days of notification to the Los Angeles Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Los Angeles Water Board of any event causing a violation of water quality standards within 24 hours. Notification may be via telephone, e-mail, or delivered written notice.
- i. Examples of noncompliance events include: lack of any reporting in a timely manner, lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, water contact with uncured concrete, and exceedances of limits for the analytes for *In-Water Work or Diversions* listed below.
 - ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work or Diversion**
- i. If stream diversion will be necessary, the Permittee shall submit to the Los Angeles Water Board staff a Stream Diversion Plan, with a diagram and a narrative description of the method to divert the stream and associated BMPs for acceptance at least 30 days in advance of any stream diversion.
 - ii. During stream diversion, water quality monitoring shall be conducted. Requirements for water quality monitoring are below.
 - iii. The Permittee shall notify the Los Angeles Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, or delivered written notice.
- d. Water Quality Standards**
- During planned work in water or stream diversions any discharge(s) to waters of the state shall conform to the following water quality standards:
- i. Oil and Grease. Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
 - ii. Dissolved Oxygen. The dissolved oxygen content of all surface waters designated as COLD shall not be depressed below 6 mg/L as a result of waste discharges.

- iii. pH. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge.
 - iv. Turbidity. 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%.
- e. Modifications to Project**
Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Los Angeles Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Los Angeles Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.
- f. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Los Angeles Water Board in accordance with the following terms:
- i. The Permittee must notify the Los Angeles Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Los Angeles Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Los Angeles Water Board to be named as the permittee in a revised order.
 - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

C. Water Quality Monitoring

- a. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
- b. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Los Angeles Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

- c. Sampling shall be conducted in accordance with Table 2 sampling parameters.³

Table 2. Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample
Oil and Grease	N/A	Visual
Dissolved Oxygen	mg/L & % saturation	Grab
pH	Standard Units	Grab
Turbidity	NTU	Grab
Temperature	°F (or as °C)	Grab

Dissolved Oxygen, pH, Turbidity, and temperature are to be measured daily for the first week and then weekly, thereafter.

Baseline sampling shall be conducted at a minimum of one location within the project boundary for each phase. All other sampling shall take place at a minimum of two locations. In streams or flowing water the sample locations shall be upstream and downstream of the project. 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. A summary of results shall discuss the analysis. Every measurement not meeting the compliance limits shall be accompanied by an explanation, the actions taken to correct the degradation to waters, and addressed in *Violation of Compliance with Water Quality Standards* reporting above.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 2050-2068, inclusive. Additionally, the Los Angeles Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Los Angeles Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313).

³ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method must be designed to be accurate and repeatable and shall be approved by Los Angeles Water Board Executive Officer. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

2. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13350.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Los Angeles Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Los Angeles Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. **Construction General Permit Requirement:** If enrolled, the Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-009-DWQ and NPDES No. CAS 000002 as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto) (General Construction Permit).

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment B of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Los Angeles Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Los Angeles Water Board immediately upon execution and prior to any discharge to waters of the state.
7. This Order shall expire **five (5) years** from date of this Order. The Applicant shall submit a complete application at least 90 days prior to termination of this Order if renewal is requested.

G. Best Management Practices

1. Any material/spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
2. Only the minimal amount of material needed for the project shall be stored. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
3. Any spillage of material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative will be notified.
4. The extent of riparian/wetland vegetation/jurisdictional areas shall be shown on all project plans.

5. Riparian/wetland habitat adjacent to construction areas that will not be disturbed by the project shall be demarcated with highly visible orange construction fencing installed by the construction contractor under the guidance of a qualified biologist. The fencing shall be maintained throughout the duration of the project and shall be inspected weekly to ensure it is in proper working condition.
6. The project shall comply with the local regulations associated with the Los Angeles Water 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 or subsequent order.
7. If not enrolled in the General Construction Permit, the Permittee shall develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP) and a Rain Event Action Plan (REAP) as described in the General Construction Permit.

H. Compensatory Mitigation for Permanent Impacts⁴

1. Permittee-Responsible Compensatory Mitigation Responsibility

- a. The Permittee shall provide a final compensatory mitigation plan for acceptance by Los Angeles Water Board staff. Upon acceptance by Los Angeles Water Board staff, the Permittee shall implement the approved plan.
- b. Permittee responsible compensatory mitigation installation shall be completed within 90 days of authorized impacts.
- c. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - i. Performance standards are met.
 - ii. A Transfer Agreement to a third party has been approved by Los Angeles Water Board staff.
 - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
 - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Los Angeles Water Board staff.
- d. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility

⁴ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Los Angeles Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Los Angeles Water Board under Water Code section 13385, subdivision (a).
- ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Los Angeles Water Board staff. A draft transfer agreement is due to Los Angeles Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Los Angeles Water Board staff within 30 days of the completion of the transfer.

2. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized permanent impact to wetlands by enhancement at a minimum 2:1 area replacement ratio (0.24 acres).
- b. Total required Project compensatory mitigation information for permanent physical loss of area, ecological degradation and temporal loss is summarized in Table 3.

Table 3. Required Project Compensatory Mitigation Quantity

Aquatic Resource Type	Comp. Mit. Type ⁵	Units	Enhancement ⁶
Wetland	PR	Acres	0.24

XIII. Certification

I, Renee Purdy, do hereby certify that the foregoing is a full, true, and correct copy of WATER QUALITY ORDER NO. [XXXX-XXX] (WDID No.4WQC40118091) issued on September 12, 2019

Renee Purdy
Executive Officer
Los Angeles Water Quality Control Board

⁵ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

⁶ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.