



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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

Mr. Clifford G. Finley, PE
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

WATER QUALITY CERTIFICATION FOR PROPOSED HARVEY DIVERSION AND FISH LADDER REPAIRS (PHASES I AND II PROJECT) (Corps' Project No. 2006-00709-AJS), SANTA PAULA CREEK, CITY OF SANTA PAULA, VENTURA COUNTY (File No. 06-029)

Dear Mr. Finley:

Regional Board staff has reviewed your request on behalf of City of Santa Paula (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 31, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

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

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 305-2250.

_____[Original signed by]_____
Jonathan S. Bishop
Executive Officer

November 16, 2006
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

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

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

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

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

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

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Aaron Setran (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

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

ATTACHMENT A

Project Information File No. 06-029

1. Applicant: City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

Phone: (805) 933-4298 Fax: (805) 525-3742
2. Applicant's Agent: Clifford Finley
3. Project Name: Harvey Diversion and Fish Ladder Repairs (Phases I and II)
4. Project Location: Santa Paula, Ventura County
Longitude: 6237052.7616; Latitude: 1968083.5767
Longitude: 6237019.4537; Latitude: 1968110.8492
Longitude: 6236840.5462; Latitude: 1968182.9879
Longitude: 6236824.3902; Latitude: 1968171.1987
Longitude: 6236900.5199; Latitude: 1968090.6875
Longitude: 6236996.1325; Latitude: 1968036.2479
Longitude: 6237066.6168; Latitude: 1968067.1621
Longitude: 6236998.2879; Latitude: 1968007.5647
Longitude: 6237358.8740; Latitude: 1967294.6908
Longitude: 6237453.0598; Latitude: 1967376.8410
5. Type of Project: Water diversion structure and fish ladder improvements
6. Project Description: *Purpose:*
The purpose of the proposed project is to restore the condition of the diversion structure and fish ladder located in Santa Paula Creek to pre-existing conditions; prior to past storm events. The project is in the process of receiving Federal Emergency Management Agency (FEMA) reimbursement funding to repair the diversion structure and fish ladder to its pre-storm condition. As part of the work, existing fish ladder boxes will be repaired and extended to meet the new creek bottom elevation.

Background:
The Harvey Diversion structure was constructed in the early 1900's initially to provide the City of Santa Paula water supply and for

ATTACHMENT A

Project Information File No. 06-029

irrigation purposes. A fish ladder was constructed in the 1950's on the right (west) abutment of the diversion structure to provide for fish migratory movements. Since that time, degradation of the Santa Paula Creek channel downstream of the diversion channel has left the inlet for the fish ladder approximately 10 feet or more above the creek bed and debris has destroyed the upper portion of the ladder. Consequently, the diversion structure and ladder have become a barrier for fish migration, particularly the endangered steelhead trout.

Description:

The diversion structure and fish ladder were damaged during the 2005 storm season. The repair work includes: repairing two damaged areas of the concrete diversion structure; installing grouted rip-rap at the toe of a previously grouted rip-rap slope; installing additional fish boxes to extend the ladder to the new streambed elevation; and repairing the plunge pool located below the diversion structure.

The old fish ladder will be removed and replaced in the same location with a longer ladder (approximately 145 feet in length), which reaches the creek bed through a series of 23 one-foot high stepping pools. The ladder would be constructed of reinforced concrete and anchored into the adjoining bedrock. Because the construction of the ladder would impact the diversion structure intake, a new diversion inlet will be built into the upper entrance/exit of the ladder and a new aerial 30-inch diameter pipeline will be constructed over the fish ladder to tie into the existing pipeline. The diversion inlet will include fish screens with 1.75mm slotted openings. A 12-foot wide, 100-foot long temporary access road from State Route 150 would be constructed to the ladder, following the existing dirt road alignment.

In addition to the work FEMA is funding, repair work downstream from the site will take place. Due to past storms, the area downstream consists mostly of bedrock. Work downstream will consist of repairing rock weirs across the streambed to act as a transition area up to the existing fish ladder. The rock weir installations were a requirement of CDFG and NMFS. A series of three (3) vortex rock weirs would be located at the base of the diversion and to about 130 feet downstream. These would serve to create an entry pool which would aid migratory fish to find the

ATTACHMENT A

Project Information File No. 06-029

ladder entrance. In addition, the rock weirs would stabilize the creek at its current elevation. The weirs would include a series of exposed 4-ton quarry rocks seated on a buried 4-ton quarry rock, and further supported by buried concreted rip-rap.

Upstream, the grouted rock rip-rap which previously existed was undermined at the toe of slope. The repair would install 2- to 4-ton rock at the toe of slope and grout to pre-existing slope conditions. This grouted slope area is necessary to prevent flows from circumventing the diversion structure.

In the initial years of the fish ladder operations, the operator will work closely with National Marine Fisheries Service (NMFS) and California Department of Fish and Game (CDFG) to refine operations for the fish ladder.

The work to perform these repairs is in the same area as previously existing structures, with the exception of the grouted rock rip-rap toe of slope. Impacts from this portion of the project will be within 0.01 acres of unvegetated streambed.

- | | |
|---|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 2006-00709-AJS) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act Compliance: | The City of Santa Paula has determined that the proposed project is categorically exempt. A Notice of Exemption was filed on August 21, 1998.

The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction). |
| 10. Receiving Water: | Santa Paula Creek (Hydrologic Unit No. 403.21) |

ATTACHMENT A

Project Information File No. 06-029

11. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN
- *Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 1.00 temporary acre (400 linear feet) and 0.01 permanent acres (200 linear feet)
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Installation of a bypass pipe to divert the flows within the creek around the proposed repairs.
 - The diversion will include a pipe and sandbag headwall to route the creek around the work area, then excavation work for the rip-rap and diversion structure work will commence.
 - Fish ladder work will take place from below the structure.
 - All work will take place during times of low flow.
 - It is not the intent to work in a period when rain or high flows are expected.
16. Proposed Compensatory Mitigation: The Applicant has not proposed any additional compensatory mitigation, as this project is restorative in nature and will aid in the migration of the endangered steelhead trout. The project will be partially funded by FEMA and has been recommended by NMFS.

ATTACHMENT A

Project Information File No. 06-029

17. Required
Compensatory
Mitigation:

Since project impacts associated with the proposed project are within the areas of previously existing structures and will benefit fish passage, the Regional Board will not require any additional compensatory mitigation. All areas temporarily impacted will be restored to pre-existing conditions.

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

ATTACHMENT B

Conditions of Certification File No. 06-029

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and polides set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

ATTACHMENT B

Conditions of Certification File No. 06-029

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
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 Rodney Nelson, 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.

ATTACHMENT B

Conditions of Certification File No. 06-029

12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted, 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. 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.
17. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. 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,

ATTACHMENT B

Conditions of Certification File No. 06-029

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)
- Downtream 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%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be 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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

19. The Applicant shall restore the proposed **1.00 acre** 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall submit to this Regional Board a **Final Project Monitoring Report** by **January 1st** of the year following completion. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;

ATTACHMENT B

Conditions of Certification File No. 06-029

- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
21. Prior to any subsequent maintenance activities within the project area, 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 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.
22. 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.
23. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

ATTACHMENT B

Conditions of Certification File No. 06-029

29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.