



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Marshall Haraden
31125 Via Colinas, Suite 908
Westlake Villages, CA 91362

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9391

WATER QUALITY CERTIFICATION FOR PROPOSED 2201 KANAN WATERLINE PROJECT, (ACOE FILE NO. 2012-230-AJS) UNNAMED EPHEMERAL TRIBUTARIES OF LOBO CANYON CREEK, UNINCORPORATED AREA OF SANTA MONICA MOUNTAINS, LOS ANGELES COUNTY (File No. 12-005)

Dear Mr. Haraden:

Board staff has reviewed your request for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 13, 2012.

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

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

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

Samuel Unger
Samuel Unger, P.E.
Executive Officer

4-25-12
Date

DISTRIBUTION LIST

Travis Cullen (via electronic copy)
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301

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

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

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

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

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

**Project Information
File No. 12-005**

1. Applicant: Mr. Marshall Haraden
31125 Via Colinas, Suite 908
Westlake Village, CA 91362
Phone: (818) 597-3214 Fax: (818) 597-3215
2. Applicant's Agent: Mr. Travis Cullen
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301
Phone: (818) 879-4700 Fax: (818) 879-4711
3. Project Name: 2201 Kanan Waterline
4. Project Location: Unincorporated County of Los Angeles, Santa Monica Mountains,
Los Angeles County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.121534 | -118.798863 |
| 34.121461 | -118.796667 |
| 34.121382 | -118.798594 |

5. Type of Project: Water pipeline construction
6. Project Purpose: The purpose of the project is to supply potable water for residential use at 2201 Kanan Road.
7. Project Description: The project will install an 8-inch waterline for the purpose of supplying potable water for 2201 Kanan Road. The waterline will also include meters for eventual connection to future residences to be located at 31160 Lobo Canyon Road and 2301 Kanan Road. The new waterline will connect to an existing 8-inch main that is located in the shoulder of Lobo Canyon Road and extend 210 feet to the east/southeast of Lobo Canyon Road. From this end point, an additional 15 feet of pipe will extend to the northeast to accommodate associate pipeline features, such as detector checks, assemblies, and a 2-inch air-vac. The 2-inch air-vac, and a 4-inch blow-off assembly will be placed along the line near the connection to the existing main along Lobo Canyon Road.

ATTACHMENT A

Project Information File No. 12-005

The proposed project includes the excavation of materials across a disturbed parcel and two unnamed ephemeral tributaries of Lobo Canyon Creek to allow for installation of the 8-inch waterline. The pipeline will consist of 8-inch CMLC steel water pipe placed at least 3.5 feet below ground level, with the section traversing the existing onsite drainages to be encased in a 6-inch concrete slab. Following the emplacement of the pipeline and associated devices, the pipe will be covered and the trench refilled with the native soil previously excavated. The project activities within the drainages will occur for a duration of approximately five (5) working days.

Impacts

The project will involve the excavation of a 2-foot wide and 50-inch deep trench across two unnamed ephemeral tributaries of Lobo Canyon Creek for installation of the waterline. A total of 10.02 cubic yards of soil will be excavated from the drainages, which will also be the maximum amount of material to be discharged as this soil will be used to cover the pipeline and backfill the trench. The proposed project will impact a total of 0.003 acres (11 linear feet) of jurisdictional waters within Tributary 1 and 0.005 acres (22 linear feet) of jurisdictional waters within Tributary 2. Impacts to both tributary drainages will be temporary. Following completion of the project, the vegetation within the portions of both tributaries that will be disturbed by the project will return to the existing condition. The areas where impacts will occur are within previously impacted areas, due to the previous road culvert installations.

- | | |
|--|---|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers File No. 2012-230-AJS |
| 9. Other Required Regulatory Approvals: | California Department of Fish and Game Streambed Alteration Agreement |
| 10. California Environmental Quality Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15303 Small Structures. |
| 11. Receiving Water: | Unnamed ephemeral tributaries of Lobo Canyon Creek (Hydrologic Unit No. 404.25) |

ATTACHMENT A

Project Information

File No. 12-005

12. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, WARM, WILD, RARE
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.008 temporary acres
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:
- Construction activities will take place while the drainages are dry.
 - The disturbed area of the bed and banks of the tributaries will be returned to pre-existing grade and contours, or modified, as necessary, following completion of the project to ensure that the proper flow of the channels is maintained.
 - Although it is anticipated that the drainages will contain no water during construction, sand bags and straw wattle will be placed downstream of the activity area to restrict sediment from project soil disturbance from migrating downstream should nuisance flows occur.
 - A Turf Reinforcement Mat (TRM) will be used to hold seed and soil in place and protect emerging seedlings.
 - The excavated soil will be used to cover the pipe and refill the trench, leaving the drainages at their existing grade and contours.
 - Construction activities will take place when the drainages are dry, and the disturbed area of the bed and banks of the tributaries would be returned to pre-existing grade and contours, or modified, as necessary, following completion of the project to ensure that the proper flow of the channels is maintained.

ATTACHMENT A

Project Information

File No. 12-005

17. Proposed
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Applicant has not proposed any compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at a 2:1 ratio for temporary impacts.

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. 12-005

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 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.

ATTACHMENT B

Conditions of Certification

File No. 12-005

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. 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.
10. 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.
11. 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.
12. 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.
13. 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

ATTACHMENT B

Conditions of Certification File No. 12-005

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.

14. 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.
15. All project/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.
16. 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.

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

ATTACHMENT B

Conditions of Certification File No. 12-005

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.

17. The Applicant shall restore the proposed **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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
18. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.008** acres waters of the United States by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**0.016 acres**). The mitigation site shall be located within the project vicinity unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) 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.
 - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (c) 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.

19. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of whether or not work has begun on the Project;

ATTACHMENT B

**Conditions of Certification
File No. 12-005**

- (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.
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)"

ATTACHMENT B

Conditions of Certification

File No. 12-005

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **12-005**. 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 Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
25. 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.
26. 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.
27. *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

ATTACHMENT B

Conditions of Certification

File No. 12-005

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.
28. 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.