

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Tom Evans
Rancho Simi Recreation and Park District
1692 Sycamore Drive
Simi Valley, CA 93065

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6097

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED CHUMASH PARK PROJECT (Corps' Project No. 2015-843-AJS), UNNAMED TRIBUTARIES TO THE ARROYO SIMI WITHIN THE UPPER SIMI ARROYO WATERSHED, CITY OF SIMI VALLEY, VENTURA COUNTY (File No. 15-144)

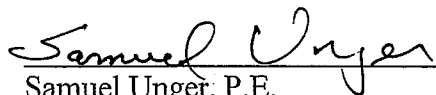
Dear Mr. Tom Evans:

Board staff has reviewed your request on behalf of Ranch Simi Recreation and Park District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 4, 2016.

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

April 4, 2016
Date

DISTRIBUTION LIST

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89 South California St., Suite 200
Ventura, Ca 93001

ATTACHMENT A

Project Information
File No. 15-144

1. Applicant: Rancho Simi Recreation and Park District
1692 Sycamore Drive
Simi Valley, CA 93065

Phone: (805) 584-4422 Fax: (805) 545-4468

2. Applicant's Agent: Envicom Corporation
4165 E. Thousand Oaks Blvd. Ste. 290
Westlake Village, CA 91362

Phone: (818) 879-4700

3. Project Name: Chumash Park

4. Project Location: City of Simi Valley, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.28944291080	-118.67278069500
34.28965792360	-118.67281665800
34.29210439170	-118.67121949500
34.29160436250	-118.67126958400

5. Type of Project: Foot bridge, storm drain, and path construction

6. Project Purpose: The purpose of the project is to construct three bridges as part of the larger Chumash Park development plan that are compliant with the requirements of the Americans with Disabilities Act of 1990 (ADA).

7. Project Description: Chumash Park is an existing undeveloped park site primarily composed of natural open space and historic rock formations. The 52.7 acre park is located east of the intersection of Flanagan Drive and Broken Arrow Street in Simi Valley.

The park includes three distinct building pads for recreation development. These pads collectively consist of approximately

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seven acres and will include a 29 parking space parking lot, one half-court basketball, playground areas, outdoor exercise equipment areas, benches, picnic tables, turf areas, and California native plant landscaping. The remaining 45 acres will be left in a natural state. A decomposed granite loop walkway will connect all three pad areas.

Rancho Simi Recreation and Park District will construct one bridge in the plateau area of the park, two smaller bridges, and one storm drain within existing waters (Project).

The Project's anticipated temporary work area encompasses the footprint of the proposed crossings and a work area of 10-feet on each side of the proposed crossing.

Bridge footings will require the placement of fill materials into waters of the U.S. The placement of these materials is primarily to support the weight requirements of the bridge but also to prevent destabilization of the bridge caused by erosion or scour during high-flow events.

The storm drain will drain a portion of the plateau area where the parking lot and basketball court are located per requirements of City of Simi Valley.

Potential adverse impacts consist of effects resulting from the installation of the three bridges, footings, and storm drain including but not limited to shading from the bridge and temporary noise and dust from construction.

- | | |
|--|--|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 42 (Permit No. 2015-843-AJS) |
| 9. Other Required
Regulatory Approvals: | California Department of Fish and Wildlife
Streambed Alteration Agreement |
| 10. California
Environmental Quality
Act Compliance: | The City of Simi Valley approved the Negative Declaration (SCH
No. 2014011054) on February 19, 2014 |

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11. Receiving Water: Unnamed tributaries to Arroyo Simi (above Tapo Canyon Creek)
Hydrologic Unit Code: 180701030101
12. Designated Beneficial Uses: MUN*, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.003 temporary acres (19 linear feet) and 0.001 temporary (8 linear feet) acres
Non-wetland waters (streambed): 0.011 temporary (84 linear feet) and 0.003 permanent acres (19 linear feet)
14. Related Projects Implemented/to be Implemented by the Applicant: The Project is part of the larger Chumash Park project approved by the City of Simi Valley under Conditional Use Permit (CUP-S-653). CUP-S-653 approves the development of a neighborhood park (Chumash Park) with improvements including the installation of trees, shrubs, turf areas, native hydroseed, and riparian and bog plantings, and park amenities such as two playgrounds, a basketball half-court, adult fitness areas, drinking fountains, benches, picnic tables, natural earth and decomposed granite trails with interpretive displays, mutt mitt stations, trash receptacles, and a 29-space parking lot.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The Applicant shall mark the project limits of disturbance with exclusionary fencing to prevent encroachment of project activities into adjacent native habitats;
 - The fencing will be marked with highly visible flagging and signed as a sensitive area;
 - The Applicant will verify the fencing has been correctly installed prior to the start of ground disturbance or construction activities;

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- The temporary fencing will be routinely inspected and maintained in functional condition for the duration of project construction;
- If construction lighting is required, then lighting will be pointed away from native habitats and will be pointed downward and shielded to the extent practicable;
- No pets will be allowed on the project site;
- All trenches will be filled within the same day, or escape ramps will be constructed if trenches are to be left open overnight;
- All project related equipment and vehicles will be cleaned and decontaminated of weeds and soils prior to entering the project site to reduce the potential for the spread and introduction of invasive and noxious weeds;
- Erosion and sedimentation control devices (devices) such as silt fences will be installed before the initiation of construction activity;
- They will be periodically inspected to ensure that the devices are effective, as well as prior to and immediately after rainfall events;
- Prior to initiation of construction activity, a qualified biologist will ensure that the construction foreman and the crew are aware of the limits of construction activity and will implement an educational program;
- Five day weather forecasts will be conducted in order to identify potential storm events;
- Should forecasts indicate a potential storm event during construction within the ephemeral drainage, appropriate site stabilization will be implemented;
- Spoil sites will be located away from drainage areas and appropriate erosion control devices will be placed around stockpiled materials.

16. Proposed
Compensatory

The Applicant proposes enhancing habitat in waters of temporary impact (0.011 acres), and enhancing riparian upland areas which are

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Mitigation:

buffers to the wetland areas in accordance with the Chumash Park Habitat Mitigation and Monitoring Plan dated February 4, 2016. This is a 0.78:1 ratio of acres of temporary and permanent impacts to waters to acres of enhanced waters.

17. Required
Compensatory
Mitigation:

The applicant shall enhance waters by removal of invasives and seeding with natives, as appropriate, to ensure at least a 1:1 ratio of enhanced waters (temporary and permanent impact acreage to enhanced acreage) (0.014 acres) and shall enhance the riparian upland areas which are buffers to the wetland areas in accordance with the Chumash Park Habitat Mitigation and Monitoring Plan dated February 4, 2016.

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. 15-144

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 Wildlife's (CDFW) 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 CDFW'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. 15, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste 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. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
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 (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
17. All 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.
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, 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)

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Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

19. The Applicant shall restore **0.011 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
20. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.011 acres** waters of the United States and permanent loss of **0.003 acres** of Waters of the United States by enhancing or restoring habitat in waters at a minimum **1:1** area replacement ratio (**0.014 acres**). The Applicant shall also enhance riparian areas as buffers to the waters in accordance with the Chumash Park Habitat Mitigation and Monitoring Plan dated February 4, 2016.
21. 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;

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- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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.

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:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

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24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-144**. Submittals shall be sent to the attention of the 401 Certification Unit.
25. 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.
26. 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 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. 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.
27. 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.
28. 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.
29. *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

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- 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.
30. 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.