

Los Angeles Regional Water Quality Control Board

Mr. Jeff Palmer
Ojai Valley Sanitary-District
1072 Tico Road,
Ojai, CA 93023

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9492

CONDITIONAL WATER QUALITY CERTIFICATION FOR PROPOSED CANADA LARGA CREEK PIPELINE CROSSING REMOVAL PROJECT (Corps' Project No. 2013-00325-AJS), CANADA LARGA CREEK, COUNTY OF VENTURA, (File No. 13-071)

Dear Mr. Jeff Palmer:

Board staff has reviewed your request on behalf of Ojai Valley Sanitary District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 6, 2014.

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

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 Dana Cole, Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer

Feb. 14, 2014
Date

DISTRIBUTION LIST

Jon Turner
Phoenix Civil Engineering
4532 Telephone Road, Suite 113
Ventura, CA 93004

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

Brian Trautwein (via electronic copy)
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103
For Ventura Co. only.

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

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

Paul Amato
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105

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

Amber Tysor
California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, CA 93001

ATTACHMENT A

Project Information
File No. 13-071

1. Applicant: Ojai Valley Sanitary-District
1072 Tico Road,
Ojai, CA 93023

Phone: (805) 646-5548
Fax: (805) 640-0842
2. Applicant's Agent: Phoenix Civil Engineering
Jon Turner
4532 Telephone Road, Ste 113
Vta, CA 93004
Phone: (805) 658-6800
Fax: (805) 626-2100
3. Project Name: Canada Larga Creek Pipeline Crossing Removal Project
4. Project Location: Unincorporated Ventura County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.337038 | -119.295133 |
| 34.337188 | -119.295133 |
| 34.337188 | -119.295183 |
| 34.337038 | -119.295183 |
5. Type of Project: Concrete pipeline removal for improving fish passage (Restoration)
6. Project Purpose: The proposed project (Project) will remove a concrete pipeline encasement across Canada Larga Creek. The pipelines are no longer necessary or used, and removal of the concrete structure will restore and improve waters of the state, and allow fish passage.
7. Project Description: The Applicant owns a remnant wastewater pipeline and associated manhole that cross Canada Larga Creek in the City of Ventura. The pipeline facility was part of a wastewater collection system that collected wastewater from the surrounding areas and transported it

ATTACHMENT A

Project Information

File No. 13-071

north through the use of two wastewater lift stations to the Applicant's Wastewater Treatment Plant.

In the mid-2000s, the Applicant made necessary improvements to the two lift stations and the associated pipeline networks (force main and gravity). The project involved abandonment of the Petrochem Lift Station, expansion of the Orchard Lift Station. The project included abandonment of approximately 3,000 linear feet of the existing force main, installation of approximately 9,200 linear feet of new 10-inch diameter force main pipeline and 7,500 linear feet of new gravity collection system pipe and abandonment of approximately 1,400 linear feet of gravity wastewater pipe that crossed Canada Larga Creek. The abandonments consisted of plugging the ends of the pipelines with concrete. Buried pipeline was not removed as part of the Project.

The improvements described above were completed in 2010. The Applicant now plans to remove the force main pipeline and gravity sewer pipeline that cross Canada Larga Creek. When the pipeline crossing of the creek was installed it was encased in concrete. Over time, that encasement has created an approximately 3 to 4 foot elevation difference between the upstream and downstream sides of the structure in the stream bottom.

The concrete encasement and manhole cone will be removed within jurisdiction using standard heavy construction equipment: an excavator with a demolition attachment to break up the concrete; and the removal of pipe material. Excavated material will be loaded on trucks that will be staged in an area outside away from jurisdiction. The material will be taken to a legal point of disposal in Ventura County.

The channel sides of the creek are lined with rock rip rap. A temporary access road will be installed over the rip rap on the northern side of the creek channel to get down into the creek bed and perform the work. Once the work is complete, that access road will be removed. Nearby willow trees that will be trimmed to allow for access to the concrete encasement. Removal of the structure will commence on the south side and progress in a northerly direction. Once the encasement is removed the elevation difference will be allowed to erode into equilibrium rather than grade the streambed bottom. This will allow preservation of the vegetation that has

ATTACHMENT A

Project Information

File No. 13-071

developed over time. No importation or exportation of soil will be performed. It is anticipated that future storm events will regrade natural channel bottom. The existing concreted rock slope protection on the side slope will remain to maintain the integrity of the downstream protection facilities.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 12 (Permit No. 2013-00325-AJS)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The Ojai Valley Sanitary District approved the project's Negative Declaration on February 19, 2009, and filed a Notice of Determination with the State Clearinghouse and the Ventura County Clerk on March 31, 2009.
11. Receiving Water: Canada Larga Creek (Hydrologic Unit No. 180701010106)
12. Designated Beneficial Uses: MUN*, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, MIGR, SPWN

*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.02 temporary acres (70 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.

ATTACHMENT A

Project Information

File No. 13-071

16. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Silt fence(s) will be installed downstream of the area of excavation in the creek bottom to prevent any potential soil migration outside of the work area.
- The work area will be delineated using orange snow fence upstream and downstream of the work area in the creek bottom, and will be installed prior to the excavation work.
- The entrance to the parcel north of the creek will have metal rumble plates to prevent migration of soil on vehicle tires outside of the work area.
- The Contractor will have trash receptacles onsite.
- Excavated concrete will be removed offsite as it is removed from the creek.
- Stockpiles will be delineated and covered, and located away from the creek and drainage area.
- Sanitary facilities will be provided for workers and will be located away outside top of bank of the streambed.
- The Contractor shall monitor the five day weather forecast and shall remove the temporary fencing and silt fencing from the creek bottom if a predicted storm event of 50% or greater will occur.
- Vehicles shall be inspected daily to verify that there are no leaks.
- Existing vegetation shall be delineated and protected.

17. Proposed
Compensatory
Mitigation:

None; the project is restoration of waters.

ATTACHMENT A

Project Information

File No. 13-071

18. Required
Compensatory
Mitigation:

None. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions.

ATTACHMENT B

Conditions of Certification File No. 13-071

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. 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. 13-071

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. 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.

ATTACHMENT B

Conditions of Certification

File No. 13-071

14. 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.
15. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

16. All project and construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
17. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

ATTACHMENT B

Conditions of Certification

File No. 13-071

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.

18. The Applicant shall restore the proposed **0.20 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 (other than concrete removal within streambed) to pre-project contours. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
19. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project success completion has been achieved and documented. The Annual Reports shall describe in detail all of the project an construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status or any delays. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project and detailed schedule including whether or not work has begun on the Project;
 - (d) Copies of all permits revised as required in Additional Condition 1;

ATTACHMENT B

**Conditions of Certification
File No. 13-071**

- (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
20. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
21. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

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

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-071**. Submittals shall be sent to the attention of the 401 Certification Unit.

ATTACHMENT B

Conditions of Certification File No. 13-071

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 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 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.

ATTACHMENT B

Conditions of Certification

File No. 13-071

- (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 at least 90 days prior to termination of this Certification if renewal is requested.