



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

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Gary Witt
Southern California Gas Company
9400 Oakdale Avenue
Chatsworth, CA 91311

WATER QUALITY CERTIFICATION FOR PROPOSED (MATILJA CREEK PIPELINE EXPOSURE REPAIR PROJECT) PROJECT (Corps' Project No. 2006-01700-HW), VENTURA RIVER, MATILJA CREEK, VENTURA COUNTY (File No. 06-153)

Dear Mr. Witt:

Board staff has reviewed your request on behalf of Southern California Gas Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 25, 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 Dana Cole, Section 401 Program, at (213) 576-5733.

_____[Original Signed By]_____
Deborah J. Smith
Interim Executive Officer

_____September 4, 2007_____
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.

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ATTACHMENT A

Project Information File No. 06-153

1. Applicant: Gary Witt
Southern California Gas Company
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Chatsworth, CA 91311

Phone: (818) 701-4543 Fax: (818) 701-2549

2. Applicant's Agent: Jason Kirschenstein
Sage Institute, Incorporated
7343 El Camino Real#135
Atascadero, CA 93422
Phone: (805) 434-2804 Fax: (805) 980-5886

3. Project Name: Applicant Matilija Creek Pipeline Exposure Repair Project

4. Project Location: Matilija Creek, Ventura County
Longitude: 119 16' 42.60"W; Latitude: 34 20' 39.35"N

5. Type of Project: Pipe repair

6. Project Purpose: The proposed project will repair sections of pipe that were damaged/exposed by the heavy rains experienced during the winter of 2004-2005 and is intended to reduce the potential for future stream erosion.

7. Project Description: Matilija creek and its extended flood plain are approximately 350 ft wide at the damaged pipeline site. The stream banks are steep and between 6 and 20 ft high. The north bank has failed where the pipeline enters the creek and the 20-inch natural gas pipeline is exposed/suspended out of the north bank.

The project will excavate a section of the exposed pipeline to inspect for damage, and install bank and pipeline protection with the use of a Submar articulated concrete revetment mat. This is a pre-cast mat, which will match the stream profile and allow vegetation to grow. A 4 to 5 foot deep anchor trench filled with

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rock will secure the mat system in place. The suspended section of pipe on the north bank will be supported with sandbags and capped with ungrouted rock. The north bank will be protected with no more than 150 linear feet of ungrouted riprap, consisting of quarry and onsite large boulders, keyed into the bank. A large boulder which is resting on top of the pipe will be broken into smaller pieces so it can be moved off the pipeline.

No work will be done in standing or flowing water. Flows will be diverted with a flume structure, using coffer dams and a water bladder if needed.

The site was evaluated by Sage Institute to characterize onsite biological resources and to evaluate the potential for the proposed activity to impact special-status biological resources, such as California red-legged frog. The project has been designed to conduct the repair in a manner to minimize impacts.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 03 (Permit No. 2006-01700-HW)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The California Department of Fish and Game determined the proposed project to be Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction) on August 15, 2007.
11. Receiving Water: Matilija Creek, tributary to Ventura River (Hydrologic Unit No. 402.20)
12. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, COLD, WILD, MIGR, SPWN, WET

*Conditional beneficial use

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13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.14 temporary acres (180 linear feet) and 0.07 permanent acres (135 linear feet)
Non-wetland waters (streambed): 0.04 permanent acres (200 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.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A pre-construction “tailgate” session will be conducted with a qualified biologist, the construction crew, and Applicant staff. The purpose will be to discuss specific resources in the area and the need to avoid and protect these resources.
 - Pre-construction surveys and biological monitoring will be conducted through the duration of ground disturbance.
 - A litter control and site cleanup program will be implemented onsite.
 - Water from the temporary diversion will be discharged to an area downstream of the disturbance area in accordance with Best Management Practices as determined by Applicant and the contractor.
 - All exposed soil will be permanently stabilized at the earliest practicable date.
 - Work within waters of the U.S. or waters of the State will be conducted during the dry season to minimize the potential for erosion and sediment on site and for downstream resources.

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- Temporary impact areas will be minimized to the extent feasible.
- All construction related debris will be removed from the site.

17. Proposed Compensatory Mitigation:

The Applicant is proposing to mitigate for project impacts at a 1:1 ratio for temporary impacts and at a 2:1 ratio for permanent impacts (total 0.28 acre mitigation requirement). Due to access constraints, Applicant is proposing to mitigate onsite at a 1:1 ratio, and mitigate the remaining impacts through payment to an agency-approved mitigation bank. As proposed, 0.21 acres of onsite mitigation would occur, and an additional 0.07 acres of offsite compensatory mitigation would be purchased.

The onsite re-vegetation effort will include willow sprigging from locally collected source material and will be installed in areas outside the active channel under the supervision of a qualified biologist or restoration specialist. During the installation phase of the riprap and boulders, willow sprigs and/or mats will be added to the backfilled rock and soil where feasible. Sprigging will primarily be located along the toe of the repaired bank and within the re-contoured island area between the low and high-flow channels to take advantage of the high water table, and to allow plants to become established with little to no irrigation.

The vegetated riprap will be installed with the intent of increasing the stability of the re-configured bank and to create vegetated habitat where it is currently lacking. These plantings will not be continuous across the site, but will be patches of plantings in locations determined to have a reasonable success of survivorship by a qualified biologist. It is noted that due to the highly dynamic nature of flood flows within Matilija Creek, the Applicant is not proposing to replant vegetation that is removed as a result of naturally occurring flood and scour events, assuming the adjacent habitat areas undergo the same level of disturbance. The Applicant is proposing to consult with the permitting agencies in the event a natural event impacts restored habitat to identify if additional restoration measures would be necessary to mitigate impacts from the proposed activity.

Restoration will be deemed successful if 80% survivorship of plantings is observed in the third year of monitoring. As an

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alternative, where individual plants become indistinguishable from growth and spreading, success will be adjusted to consider the overall health and vigor of spreading clumps of plants where groups of individuals were planted. If necessary, Applicant will provide supplemental water to new plantings until the qualified restoration specialist has determined that the plants can survive without additional watering.

Applicant proposes that onsite restoration activities will be monitored for a period of three years, and annual reports detailing restoration success will be submitted to the permitting agencies for review. Weeding will occur over the three year period as necessary to ensure growth of desired plantings is not restricted. To maintain required access to the repaired pipeline, no vegetation will be planted within 10 feet of the pipeline.

18. Required
Compensatory
Mitigation:

The Applicant shall incorporate the proposed mitigation in item 17 above except that monitoring and maintenance such as weeding shall occur for five (5) years vice the proposed three years and mitigation for permanent impacts shall be 3:1. For temporary impacts to vegetated streambed, the Applicant shall restore vegetated streambed onsite at 1:1 mitigation, or 0.14 acres. For permanent impacts the Applicant shall provide an additional restoration onsite or provide in-lieu fees at 3:1 mitigation, or 0.33 acres. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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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)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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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 and shall be 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.

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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 maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
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. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
16. 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.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). 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.
18. 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.

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19. All project or 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.
20. 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)
 - 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%.

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.

21. The Applicant shall restore the proposed **0.14 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. The

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Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal and permanent loss of waters of the United States. Table I below lists the impact by permanent and temporary impact, impact ratio requirement, and onsite and offsite mitigation.

TABLE 1

| Vegetated Streambed (in Acres) | | | | | |
|---------------------------------------|--|-------------------------|----------------------------|---------------------------------------|-------------|
| Impact | | Mitigation Ratio | Mitigation Required | Mitigation Amount and Location | |
| Permanent | 0.11 | 3:1 | 0.33 | Restored Onsite | 0.21 |
| Temporary | 0.14 | 1:1 | 0.14 | Created or Restored Offsite | 0.26 |
| Total | | | 0.47 | | 0.47 |
| Required Offsite Mitigation: | 0.47 (required) – 0.21 (onsite mitigation proposed) = 0.26 additional mitigation needed | | | | |

If the Applicant shall provide funding to a third-party organization for the creation or restoration of an additional **0.26 acres** of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Ventura River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
- (b) 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.
- (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (d) 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

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- made between the Applicant and a third party organization regarding compensatory mitigation efforts.
23. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
 24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project and 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:
 - (e) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (g) The overall status of project including a detailed schedule of work;
 - (h) Copies of all permits revised as required in Additional Condition 1;
 - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (j) A certified Statement of “no net loss” of wetlands associated with this project;
 - (k) Discussion of any monitoring activities and exotic plant control efforts; and
 - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
 25. Prior to any subsequent maintenance activities within the subject drainage, 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 drainage’s existing condition; (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.

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26. 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.

27. 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)”

28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **06-153**. Submittals shall be sent to the attention of the 401 Certification Unit.
29. 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.
30. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-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.

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31. 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.
32. 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.
33. *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.

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34. 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.