



# California Regional Water Quality Control Board

## Los Angeles Region



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**Edmund G. Brown J**  
Governor

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Ventura County Waterworks Districts  
Department of Water and Sanitation  
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### **MODIFICATION OF CONDITIONAL CERTIFICATION FOR PROPOSED CONDOR STABILIZATION PROJECT (Corps' Project No. 2007-515-AJS), ARROYO SIMI CREEK, MOORPARK, VENTURA COUNTY (File No. 07-056)**

Dear Mr. Munoz:

We are in receipt of your letter dated February 10, 2011, requesting modification of your Conditional Clean Water Act Section 401 Water Quality Certification (WQC 07-056) for the subject project issued on June 16, 2010. In addition, we are in receipt of your report of February 8, 2011, *Summary of February 4, 2011 Meeting for the County of Ventura, Public Works Agency, Department of Water and Sanitation's La Colonia and Condor Stabilization Projects (File Nos. 07-057 and 07-056, respectively) and Request to Proceed*, including the *Special-Status Species Protection Plan* and new calculations of acreage to be impacted.

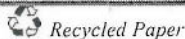
As we understand, while the proposed project, itself, has not changed, you are requesting to prepare the site for the project work in a new manner.

WQC 07-056 states that "all surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal..." Therefore, the proposed project included the installation of a temporary sandbag berm in the flowing waters to re-route the flows around the work site. All the project work would then have taken place in the dry streambed. This diversion of all waters around the work site would cause temporary impacts to the streambed and riparian habitat.

In the proposed modification, the rock riprap, which constitutes part of the planned work, will be placed directly in the flowing stream and will then provide a dry work area for the repair of the sheet piling drop structure.

In response to your request, Item 7 of Attachment A, "Project Description," shall be modified as below. Underline text is added and strikeout text is deleted.

**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.*

The drop structure prevents stream erosion to the existing Union Pacific Railroad (UPRR) bridge crossing. Failure of the existing structure would likely result in the rupture of the existing sewer line. The Applicant will place additional rock riprap across the existing steel sheet piling. The rock riprap will span the entire width of the stream (approximately 60 to 70 feet), and will extend roughly twenty feet on each side of the existing sheet piling (approximately 40 feet total). In total, the placement of rock riprap will permanently convert approximately 0.15 acres of riparian habitat.

Access to the site will be gained by grading a temporary access road that leads down to the western bank of the creek, which will cut through a dense thicket of non-native *Arundo*. Staging for construction activities will occur in a vacant lot, upslope from the northern bank of the creek.

The rock riprap will be directly installed into the creek. Prior to installation, individual rocks will be rinsed to remove excessive dirt or sediment. All rinse off shall occur in an upland area and washoff contained such that it does not enter riparian areas. The un-grouted rock riprap will then form a dry work area for any needed repairs to the existing steel sheet piling.

Heavy equipment will not be operated in any flowing or ponded water.

The project will remove dense thickets of *Arundo* that occur within the project footprint. Repairs to both the structure and the eroding reach of stream are needed to ensure the structure is not lost entirely, including:

- A temporary access to the western bank of the creek will be cut through a dense *Arundo* thicket.
- Fissures in the drop structure will be filled with rock riprap.
- Willow poles will be installed along the lower half of the northern bank during bank reconstruction, and all temporary fills (access road and dam) will be removed at the conclusion of the project.

With this project modification, the area to be impacted will decrease. Item 13 of Attachment A, "Impacted Waters of the United States," shall be modified as below. Underline text is added and strikeout text is deleted.



Federal jurisdictional wetlands: 0.15 permanent acres and ~~0.27 temporary acres.~~

While the acreage of temporary impacts will be less with the modified project, as described in this letter, the required acres of compensatory mitigation will not change. The *Habitat Mitigation And Monitoring Plan* (Plan) for this project, including on-site and off-site mitigation is being modified to meet the combined requirements of the California Department of Fish and Game, the U.S. Army Corps of Engineers and this Regional Board. This Plan shall be submitted to this Regional Board for approval within 30 days from the issuance of this letter.

In addition, Item 15 of Attachment A, "Avoidance/Minimization Activities," shall be modified as below. Underline text is added and strikethrough text is deleted.

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

- Preserve existing vegetation where required and feasible.
- Apply erosion control measures for the active and non-active areas using control blankets, check dams, seeding, and lining swales with plastic.
- Apply temporary erosion control measures for the rainy season.
- Stabilize non-active areas within 14 days of cessation of construction activities.
- Apply permanent erosion control measure to all disturbed areas at the completion of construction.
- ~~Install a temporary sand bag berm diversion at the upstream end of the structure and route flows downstream.~~
- The following BMPs will be implemented for the *Arundo donax* removal :
  - All cut or removed vegetation will be taken to a legal point of disposal;

- Cut stumps will be treated immediately with an aquatically formulated herbicide under the advice of a state certified Pest Control Advisor;
- The California Department of Fish and Game recommends that a spray application be used, and that the application of the herbicide *Agridex* shall be administered with the use of the surfactant *Aquamaster*.
- Re-sprouts will be treated with herbicide every two months;
- All graded soil during construction will be inspected for *Arundo Rhizomes*, and if found, will be removed;
- *Arundo* and other weeds will be spot treated with herbicide for a year after construction.

In addition, Condition 17 of Attachment B shall be modified as below. Strikeout text is deleted.

~~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, contingency measures shall be planned to address various flow discharge rates and 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 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.

I have determined that the proposed modifications do not constitute a significant change in the nature or scope of the activities described for the project in your original application. Therefore, no additional action by this agency pursuant to Section 401 of the Clean Water Act is necessary. This determination is limited to the proposed request contained in your notification to this Regional Board dated November 29, 2010 and described herein, and 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) 576-6759.

Sincerely,



Samuel Unger, P.E.  
Executive Officer

Chief Deputy 80  
for

2-15-11

Date

Attached: Distribution List



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