



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

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Edmund G. Brown  
Governor

Ms. Kristen Keipert  
Entitlement Manager  
Runkle Canyon, LLC  
10990 Wilshire Blvd.  
Los Angeles, CA 90024

**WATER QUALITY CERTIFICATION FOR PROPOSED RUNKLE CAYON SPECIFIC PLAN PROJECT (Corps' Project No. 2003-00072-AJS), FOUR UNNAMED TRIBUTARIES TO THE ARROYO SIMI, CITY OF SIMI VALLEY, VENTURA COUNTY (File No. 09-149)**

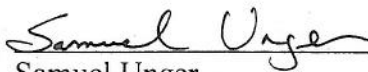
Dear Ms. Kiepert:

Board staff has reviewed your request on behalf of Green Park Runkle Canyon, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on November 23, 2010.

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

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

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

  
\_\_\_\_\_  
Samuel Unger  
Executive Officer

Feb. 28, 2011  
Date

**California Environmental Protection Agency**



## DISTRIBUTION LIST

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## Project Information

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1. Applicant: Ms. Kristen Keipert  
Entitlement Manager  
Runkle Canyon, LLC  
10990 Wilshire Blvd.  
Los Angeles, CA 90024  
Phone: (661) 219-6880
  
2. Applicant's Agent: Diana Lloyd  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, California 92602  
  
Phone: (714) 508-4100 Ext. 110 Fax: (714) 508-4110
  
3. Project Name: Runkle Canyon
  
4. Project Location: Simi Valley, Ventura County

	<u>Latitude</u>	<u>Longitude</u>
	34.1523	118.4316
	34.1520	118.4344
	34.1500	118.4438
	34.1316	118.4439
	34.1315	118.4348
	34.1325	118.4300
	34.1400	118.4338

5. Type of Project: Residential Development
  
6. Project Purpose: *Purpose:*  
The purpose of this project is to develop a residential master-planned community in the City of Simi Valley.
  
7. Project Description: *Background:*  
In 1988, a General Plan was approved for development of Runkle Canyon including a 445-acre residential development with 700

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homes and a Municipal Golf Course. This original design was limited to the canyon bottom and did not take into consideration any ephemeral drainage avoidance. The Runkle Canyon Specific Plan was for a master-planned community on approximately 1595 acres which included: natural open space; a neighborhood park; a multi-use trail system; and an area for the potential future development of a golf course.

This proposed project received a Clean Water Act 401 Certification in 2004, which expired on November 24, 2009. However, the housing development was never initiated.

#### *Current Project Description:*

The current project design is a master-planned community on 1595.5 acres that will include 461 units covering 139.7 acres. In addition, the project design includes open space areas covering 1396.4 acres, including 1368.1 acres of open space, a 10.1-acre neighborhood park, and an 18.2-acre water storage and emergency helispot landing area, and 59.4 acres of graded slopes, fuel modification areas, water quality basins and infrastructure/public facility access roads.

Residential Areas	Units	Acres	Percent of Site (%)
Residential estate	25	43.8	3.7
Residential medium density housing	64	22.7	3.2
Residential moderate density housing	234	58.3	4.7
Senior residential moderate density housing	138	14.9	0.9
<i>Subtotal</i>	<b>461</b>	<b>139.7</b>	<b>8.8</b>
Open Space Areas			
Natural open space		1368.1	85.8
Neighborhood park		10.1	0.6
Water storage/emergency helispot		18.2	1.1
Graded slopes, fuel modification areas, water quality basins, infrastructure/public facility access roads		59.4	3.7
<i>Subtotal</i>		<b>1455.8</b>	<b>91.2</b>
<b>Totals</b>	<b>461</b>	<b>1595.5</b>	<b>100</b>

The objectives for the Runkle Canyon Specific Plan have been identified in response to existing physical, environmental, demographic and market conditions. The goals of the proposed Runkle Canyon Specific Plan are to provide for the stewardship of the natural resources within the open space and to guide the future development in



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conformance with the City of Simi Valley General Plan. Objectives developed to guide the planning and design process for the Specific Plan include:

- Preserve 1396.4 acres of land, 91.2 percent of the project area, as open space;
- Provide for the preservation of Dry Lake (the western portion of what is also known as “Burro Flats”) to preserve natural resources and scenic qualities;
- Provide for the preservation and/or restoration of wetland and riparian areas;
- Respect the panoramic, visual and aesthetic resources of the Specific Plan Area and surrounding region;
- Protect sensitive habitat areas by focusing residential development towards areas that were historically used for cattle grazing;
- Provide accessibility to the open space, including Dry Lake, via a network of paths, sidewalks, and multi-use trails with connections to existing paths and trails;
- Establish pedestrian, bicycle and equestrian paths and trails for usage by the public with linkages to the adjacent existing neighborhoods and connections to existing paths and trails;
- Provide a neighborhood park with passive recreational opportunities;
- Minimize the modification of the existing landforms using clustered development techniques to achieve sensitive development patterns;
- Locate development adjacent to existing infrastructure in order to minimize the extension of public services and utilities;
- Design a community that results in a compatible transition to the existing adjacent residential neighborhoods;
- Promote comprehensive and integrated planning and design through the assemblage of properties under multiple ownerships into the Specific Plan Area in order to prevent piecemeal development;
- Establish a maximum development threshold of 461 residential units for the Specific Plan Area;
- Provide for a variety of lot sizes ranging from a minimum of 5,500 square feet to over 1 acre, in a configuration consistent with the City’s Residential Design Guidelines;
- Provide residential development in response to the current and future market demand for housing within the region;

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- Promote a balanced and vital community by providing a range of housing to serve varied age groups and income levels;
- Provide at least 30 percent of the residential units for senior housing; and
- Promote housing availability for all segments of the local senior population by setting aside 62 of the residential units within the senior housing development as affordable per the Affordable Housing Agreement.

The current project design does not include any plans for a Municipal Golf Course. This component of the original project has been removed in perpetuity and the land will be designated as open space. The original design consisted of 72% open space and the current design will account for 91.2% open space (1396.4 acres).

#### *Historical mining:*

Historically, approximately 165.6 acres in the southern portion of the project site was mined. Extraction of aggregate material (sand and gravel) from this portion of Runkle Canyon north of Burro Flats and south of Runkle Dam and Reservoir began in 1966. In December 1985, a determination was made by the owner that it was not economically viable to continue the mining operation, the site was considered closed and reclamation commenced and was completed to the satisfaction of Ventura County. No residential development is proposed within this previously mined area; rather it will be preserved as open space.

Artificial fill consisting of dumped mine tailings within Runkle Canyon exist on the site. The aggregate mine tailings are concentrated within the southern half of Runkle Canyon and consist of sediments derived from the Simi Conglomerate Member of the Santa Susana Formation. It is estimated that mine tailings are up to a thickness of 40 feet. All of the fill in areas proposed for development or that would significantly affect development shall be removed prior to placement of compacted fill. Debris encountered during the removal of artificial fill within or potentially affecting the development area shall be removed, ground up for use as sub-base material or reduced into fragments small enough to be buried in the deeper portions of the fill. The artificial, mine tailings fill will be used for construction of the development and balanced on the site.



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In addition, the site contains Runkle Dam, which is an earth fill dam constructed in 1949. The dam is maintained by the Ventura County Watershed Protection District (VCWPD). Runkle Dam feeds detained stormwater flows into Runkle Channel, which flows northwest through the city to the Arroyo Simi. The Runkle Dam and Reservoir area were being dredged to remove siltation during the reconnaissance-level survey in 1999. The area was cleared of all vegetation during the construction activities. The Runkle Dam and Reservoir are disturbed during heavy rainfall periods and by periodic dredging of the silt material due to maintenance activities by the VCWPD. Maintenance of the dam is anticipated to continue after development of the site, and access roads are planned to provide maintenance vehicle access to Runkle Canyon Dam and Reservoir.

### *Summary of Jurisdictional Areas and Impacts*

Five seasonal drainages flow throughout the project area: Drainages A through E. The following table describes the jurisdictional area and impacts within the property boundaries:

Reach	Total (Acres)	Total Linear Feet	Permanent Impact* (Acres)	Permanent Impact (Linear Feet)	Restored (Temporary Impact) (Acres)
A1	1.27	8,092	0.04	200	0.28
A2	0.21	2,485	0	0	0.21
A3	0.40	2,800	0.04	305	0.40
A4	0.12	1,137	0.01	205	0.11
A5	0.18	1,880	0.04	325	0.14
B	0.55	2,976	0	0	0
C	0.48	2,734	0	0	0.32
D	0.13	1,640	0.13	1,640	0
E	1.26	5,823	0.14	1,205	0
<b>Total</b>	<b>4.60</b>	<b>29,567</b>	<b>0.4</b>	<b>3,880</b>	<b>1.46</b>

\*Permanent impacts are inclusive of areas where mining tailings (fill) will be removed from within the drainage and restoration will take place within the original contours of the previously existing jurisdictional drainage area.

**Drainage A** is the most extensive drainage feature within the project site. This drainage extends from north to south (downward in the canyon) through the majority of the project site. For this project and the explanation of impacts, Drainage A has been divided into five segments (A1 through A5). Drainage A in its entirety is 16,394 linear feet in length and 2.18 acres in size. Each individual segment described below represents the portion of the

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drainage that is within the construction footprint of the project. Approximately 5,715 linear feet and 0.96 acres of the southern portion of Drainage A will be preserved in a designated open space area.

**Drainage A1** is the highest tributary on the property, which flows from south to north. The segment is approximately 8,092 linear feet in length and 1.27 acres in size. This drainage feature was previously disturbed during historical mining operations on the project site and portions of the drainage were filled with up to 40 feet of mine tailings. A dirt access road split the main drainage in the upstream portion of the feature, which currently flows on both sides of the road within artificially created roadside ditches. The linear foot calculation takes into consideration the drainage on both sides of the access road, just south of the confluence with Drainage B.

Currently, the central portion of Drainage A1 has a deeply eroded channel within the mine tailings and has begun to revegetate naturally over the years. The northern portion of this segment contains a large amount of deposited sediment from the mine tailings upstream. During large storm events, eroded soils are deposited in the northern portion of this segment, just upstream of Runkle Reservoir. This stretch of the drainage will be impacted during project construction and approximately 200 linear feet (0.04 acres) will be converted to residential development. All of the deposited mine tailing will be removed and used as fill material during project construction. Once the drainage has been recontoured and restored to a more natural state with all of the fill material removed, approximately 0.28 acre of the existing drainage feature will be revegetated with wetland/riparian vegetation. The remaining portions of the drainage feature will be undisturbed and remain in designated open space.

Currently Drainage A1 contains steep, highly eroded banks, intermittent flows, and is influenced by relatively shallow ground water. This portion of the drainage contains hydrophytic vegetation and hydric soils. The northern portion of this segment contains Wetland Area 3 as designated on the Jurisdictional Areas Map. This portion of the drainage is routinely used by cattle and is heavily polluted with cattle waste. Wetland Area 3 is established in previously existing fill material.



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The removal of the mine tailings from this portion of the drainage will greatly improve the current downstream sedimentation problem at Runkle Dam. VCWPD routinely removes sediment from behind the dam. The majority of the sedimentation problem originates from the unconsolidated mine tailings. The removal of existing mine tailings and restoring of the natural drainage to pre-mining state will greatly improve water quality as well as the habitat associated with it, following revegetation.

The drainage will be recontoured to a natural meandering drainage within natural appearing bends and changes in depth which will diversify the drainage with regard to vegetation types and associated habitats. This will enhance water quality. Once the removal of sediment has been completed and the amount of available moisture has been determined, the amount of wetland/riparian habitat restoration will be determined. The size of the wetland restoration area and associated mitigation will be directly related to the amount of available water. Since the area is under approximately 20 to 30 feet of fill material, it is difficult to determine the moisture availability until it is removed. This portion of the drainage feature will provide the necessary area for compensatory mitigation for impacts to portions of other jurisdictional features within the project site (Drainages A, C, D, and E).

**Drainage A2** is immediately west and parallel to Drainage A1. The drainage originates from the mine-tailings deposited at the mouth of canyon that conveys flows within Drainage C. Drainage A2 conveys flows directly within the mine-tailings, which sheet flow over the existing dirt road and eventually flow directly into Drainage A1. The segment is approximately 2,485 linear feet in length and 0.21 acres. This drainage feature was previously disturbed during the mining operation and was completely filled with mine tailings. Currently, the drainage feature runs along the toe of slope along an east facing slope. This portion of the channel is ephemeral, has sparse mule fat individuals, and is otherwise unvegetated.

This drainage has cut a small channel in the mine tailings and has slowly begun to revegetate naturally over the years. The entire drainage feature will be impacted during project construction and then restored (0.21 acres). All of the deposited mine tailings will be

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removed and used as fill material during project construction. Once the drainage has been recontoured to a more natural state, it will be revegetated with wetland/riparian vegetation. It is highly likely that Drainage A2 and Drainage C will be combined in order to return the drainage feature back to its original flow pattern. Currently both Drainage A2 and Drainage C are ephemeral drainages with little to no vegetation. Recontouring this portion of the drainage feature will greatly improve water quality and eliminate down stream sedimentation problems.

**Drainage A3** is the central segment of Drainage A and extends from the confluence of Drainage A1 and Drainage A2 to the upstream portion of Runkle Dam. The segment is approximately 2,800 linear feet in length and 0.40 acre in size. This drainage feature was previously disturbed during the mining operation. Based on 1977 and 1980 aerial photographs, this portion of the drainage feature contained a series of ponded areas likely used to wash the aggregate after it was mined. These types of ponded areas are typical for mining operations. These features were filled some time between 1980 and 2001. The features were completely filled with mine tailings and have remained relatively undisturbed since. Currently, the drainage feature has a dense riparian canopy. The riparian canopy portion of the drainage will remain undisturbed. The southern portion of Drainage A3 contains deposited mine tailings similar to Drainage A1 and A2. This portion of the drainage will be removed and recontoured to a more natural occurring state. In addition, an energy-dissipating device will be installed to slow water velocity prior to entering the development portion of the project site, as well as Runkle Reservoir and Dam area. This area will contain a concrete drop structure or other similar energy-dissipating device. The total amount of area that will be impacted includes 305 linear feet and 0.04 acre. The remaining 2,495 linear feet and 0.36 acre will be preserved within dedicated open space.

**Drainage A4** occurs just downstream and north of Runkle Dam. This portion of the drainage receives very little flows except during large storm events. The A4 segment is approximately 1,137 linear feet in length and 0.12 acre in size. This portion of the drainage feature is approximately two to three feet wide with a non-native grassland area containing scattered oak trees. Vegetation within the active channel consists of non-native weedy species and a few



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scattered mule fat. This portion of the drainage is ephemeral and the majority of the drainage will not be impacted by construction activity. A total of 205 linear feet in length and 0.01 acre will be impacted during project related construction associated with the C Street crossing.

The drainage will flow adjacent to a proposed park area and will be incorporated as a project amenity. Compensatory mitigation will be required for these impacts and mitigation will occur within Drainage A1. This portion of the drainage could provide an area for compensatory mitigation if there is sufficient hydrology. However, available hydrology cannot be evaluated until after the project is completed and installed. Approximately 932 linear feet and 0.11 acres will be preserved as designated open space. The drainage will remain undisturbed, except for the C Street crossing.

**Drainage A5** is an ephemeral drainage with little to no vegetation associated with the channel. The segment is approximately 1,880 linear feet in length and 0.18 acres in size. Approximately 325 linear feet (0.04 acres) of the upstream portion of this drainage segment will be conserved in designated open space. The remaining 1555 linear feet (0.14 acres) will be completely impacted during project installation but will remain as jurisdictional waters. This segment of the drainage will be continue to exist for flood control purposes and as a maintained facility vegetated with native grasses and herbs. No woody plants or trees will be planted within this portion of the project site, in accordance with Ventura County flood control maintenance activities.

**Drainage B** is located south of the development/disturbed area and will remain in its current natural state during construction activity. Currently the drainage feature is 2,976 linear feet and is 0.55 acres in size. The drainage feature is considered an ephemeral drainage and only conveys flows during and immediately following large storm events. The drainage ranges from one to sixteen feet in width and has a dense layer of leaf litter from the associated oak tree canopy. This drainage sheet flows over the existing dirt access road into Drainage A. The flows from this drainage will be from natural run-off with no previous human disturbance affecting water quality. This drainage will remain in a designated open space area and will not be impacted during project construction.

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**Drainage C** is located on the western portion of the project site and drains a large canyon to the west. The natural flows have been disturbed by the deposit of mine tailings. A small, three to four foot-wide channel was created along the toe of the north-facing slope. The ephemeral channel contains sparse mulefat individuals and non-native weedy species. The drainage is approximately 2,734 feet in length and is 0.43 acres in size. This drainage flows into Drainage B, just south of the confluence with Drainage A. The portion of Drainage C that was previously disturbed by the deposited mine tailings totals approximately 1,754 linear feet and 0.32 acres; this area will be temporarily impacted during removal of the mine tailings. This area will be revegetated with appropriate riparian shrubs and trees. Once the mine-tailings have been removed and the drainage is recontoured to a more natural state, the available hydrology will be assessed for suitable wetland hydrology. If sufficient hydrology is documented to support wetland vegetation, then the drainage feature will be revegetated with naturally occurring wetland species.

**Drainage D** is located in the northern portion of the project site and will be completely removed during project construction. This ephemeral drainage is approximately 1,640 feet in length and 0.13 acres in size. The drainage is approximately one to two feet in width and the vegetation associated with the drainage consists of a narrow strip of mule fat scrub. The water in this drainage is collected from an actively grazed grassland area, which currently flows into an existing detention basin. An existing culvert has been blocked for many years and no longer conveys flows from the detention basin to Drainage A. Therefore, the poor-quality water, associated with cattle waste, currently does not flow directly into the Drainage A. The residential development will preclude the use of the land for cattle grazing, which will improve water quality. The loss of this drainage will be mitigated by creation of wetland/riparian habitat associated with mine-tailing removal area.

**Drainage E** is an ephemeral drainage that occurs in the northwestern portion of the project site. This ephemeral drainage is approximately 5,823 feet in length and 1.26 acres in size. The drainage meanders in a small canyon independent of the other drainage features on the site. Approximately 1,205 linear feet and 0.14 acres of the existing drainage will be impacted by project construction. Water quality basins will be installed to treat the water



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- flows prior to leaving the project site to improve water quality.
8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Individual Permit (Permit No. 2003-00072-AJS)
  9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement  
No. 1600-2004-0235-R5
  10. California Environmental Quality Act Compliance: The City of Simi Valley approved the project's Subsequent Final Environmental Impact Report (SCH No. 2002121143) on May 10, 2004.
  11. Receiving Water: Unnamed tributaries to Arroyo Simi (Hydrologic Unit No. 403.67)
  12. Designated Beneficial Uses: MUN\*, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD  
\*Conditional Beneficial uses
  13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.40 permanent and 1.46 temporary acres (3,880 total linear feet)
  14. Dredge Volume: None
  15. Related Projects Implemented/to be Implemented by the Applicant: KB Homes-North Los Angeles Division and related entities have not implemented any projects within the Arroyo Simi watershed in the last five years. No additional projects are anticipated within the Arroyo Simi Watershed in the next five years.
  16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
    - Construction activity will adhere to the terms and agreements of the City of Simi Valley, Ventura County Watershed Protection District and NPDES requirements for general water quality BMPs;
    - Excavated material will be removed and properly disposed of off-site;

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- The proposed project includes an extensive open drainage system designed to reduce current offsite mine tailing sedimentation by approximately forty percent. In addition, several upland debris/desilting basins, a ventral detention basin and water quality basins are included to capture and treat urban pollutants generated onsite. Manufactured clarifying units are proposed for areas which cannot be directed to the water quality basins; and
- The post construction water quality improvements are designed to capture and treat first-flush urban runoff generated by the project prior to discharge into onsite open drainages and/or prior to discharge offsite. Post construction water quality improvements are in compliance with the City of Simi Valley, Ventura County Watershed Protection District and NPDES requirements for general water quality BMPs.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to provide compensatory mitigation for impacts to state and federal jurisdictional waters through the restoration of areas within the existing drainage courses and a vernal pool on-site. The following mitigation components have been proposed in the Habitat Mitigation and Monitoring Plan:

- Talbert Channel: Mitigation Areas 1 and 2  
Mitigation Areas 1 and 2 (1.0 acres and 2.0 acres, respectively) are located within the northerly segment of the onsite drainage feature, known as the Talbert Channel. Mitigation activities will widen and stabilize Talbert Channel to 40 to 60 feet in width in order to create a meandering swale with an Armorflex underlay. The channel would then be restored with native vegetation.
- Trail Area: Mitigation Area 3  
Mitigation Area 3 (6.5 acres) is located immediately upstream of Talbert Channel. An existing asphalt road that was constructed as part of the mining operations will be removed and the existing drainage will be widened to 40 to 80 feet in width. The drainage will be restored with native riparian/wetland vegetation and a hiking/equestrian trail will be installed.
- Mine Tailing Area: Mitigation Area 4  
Mitigation Area 4 (10.0 acres) is located within the southerly segment of the onsite drainage feature where approximately 40 feet of unconsolidated fill was deposited



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as spoil from prior mining operations. The project proposes to excavate the mine tailings to an elevation consistent with the existing drainage elevations (5-40 feet depth) to restore the drainage alignment. The drainage would be restored with native riparian/wetland vegetation.

- Open Space Area: Mitigation Area 5

Mitigation Area 5 (17.5 acres) is located within the passive open space area that was disturbed from prior mining operations. Invasive exotics including tamarisk (*Tamarix* spp.) currently present within this area would be removed. The drainage and associated riparian and transitional uplands would be enhanced with native riparian/wetland and transitional vegetation.

- Mitigation Area 6: Vernal Pool

Mitigation Area 6 (4.5 acres) is located within the southern portion of the property, outside of the proposed development limits. The existing vernal pool contains a mix of native and non-native annual species and is dominated by rushes (*Juncus* sp.). The vernal pool will be restored through the removal of non-native plant species for a period of five years to allow natural recruitment of native plant species and an increase in species diversity, and enhanced with native vernal pool/upland edge species.

18. Required  
Compensatory  
Mitigation:

This proposed project is for housing development, with a major restoration component for jurisdictional areas which were previously degraded due to major mining activities within Runkle Canyon. As such, the Regional Board will require the Applicant to provide compensatory mitigation as proposed in the Habitat Mitigation and Monitoring Plan.

Mitigation will be required at an approximate ratio of 5:1 for impacts associated with the proposed project, with the additional mitigation as proposed in No. 17 (Proposed Compensatory Mitigation). A total of 41.5 acres of total mitigation area will exist within the proposed project site.

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. 09-149

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.



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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 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 the 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.
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. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the



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target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. 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.
15. 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.
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 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.

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.

18. All project/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.
19. 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,



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and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)

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

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

20. The Applicant shall restore **all areas (1.46 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 Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **1.46 acres** waters of the United States by creating or restoring riparian habitat at a minimum **5:1** area replacement ratio (**7.30 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.40 acres** of vegetation within waters of the United States by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 5:1 area replacement ratio (**2.00 acres**). A total of 41.5 acres of mitigation area will be within the project site, as specified in the Habitat Mitigation Monitoring Plan. The Applicant shall submit a **Proposed Mitigation Report** which shall include:



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- (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (c) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

22. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including a detailed schedule of work;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (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.

23. Prior to any subsequent maintenance activities within the subject drainages/basin, 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/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any



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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.

24. 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.

25. 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)"

26. The Applicant shall ensure a Report of Waste Discharge (ROWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete ROWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the proposed project. The Form 200 can be downloaded from the State Board's website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.

27. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property.



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- The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **09-149**. 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 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. 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.
  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



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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.
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.

