

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Mike Alvord
Newhall County Water District
23780 Pine Street
Newhall, CA. 91321

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6219

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SAND CANYON SEWER PIPELINE RELOCATION PROJECT (Corps' Project No. SPL-2013-00566-AA), SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 14-046)

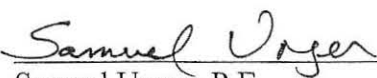
Dear Mr. Alvord:

Board staff has reviewed your request on behalf of Newhall County Water District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 18, 2016.

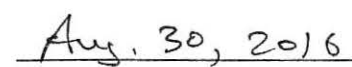
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance),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

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

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



Samuel Unger, P.E.
Executive Officer



Date

DISTRIBUTION LIST

Mike Alvord
Newhall County Water District
23780 Pine Street
Newhall, CA. 91321

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jeff Humble
(via electronic copy)
California Department of Fish and Wildlife
Streambed Alteration Team
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San Diego, CA. 92123-4813

Aaron Allen
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Paul Amato (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT A

Project Information

File No. 14-046

1. Applicant: Newhall County Water District
23780 Pine Street
Newhall, CA. 91321

Phone: (661) 259-3610

2. Applicant's Agent: None

3. Project Name: Sand Canyon Sewer Pipeline Relocation

4. Project Location: Santa Clarita, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.420281	-118.430665
34.421428	-118.427798
34.421677	-118.426762
34.422367	-118.426826
34.422240	-118.425634
34.422327	-118.426566
34.422164	-118.425036
34.422338	-118.423822
34.422476	-118.423801
34.422380	-118.424475
34.422384	-118.425049

5. Type of Project: Sewer Pipeline Relocation

6. Project Purpose: Replace and relocate an existing public utility sewer line currently located in the active channel of the Santa Clara River into an adjacent upland area, thereby removing the threat of flood debris causing a break in the sewer line and sewer discharges into the Santa Clara River. The design and permitting of the project is funded by an Integrated Regional Water Management Plan Proposition 84 grant.

7. Project Description: The project (Project) will replace and relocate an existing public

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utility sewer line located in the active channel of the Santa Clara River with 5700 feet of new sewer line to be located in adjacent upland areas to the north of the active channel of the River. The existing sewer pipeline will be abandoned in place and all elevated manholes will be removed and capped below the surface as part of river restoration efforts.

Removal of the manholes to below river grade will allow for natural unimpeded river flows, and the temporary work zone impacts will be compensated for by returning the disturbance area to pre-project grades.

There are three main construction activities:

Manhole lowering

The manholes will be lowered within the river bed to approximately two feet below river grade which will allow for natural unimpeded river flows. To access the manholes an access road will be designated for heavy equipment. Manual labor will be used to break apart the upper portion of the concrete manholes which includes the use of sledge hammers and shovels. A backhoe will be used to lift heavy materials such as the steel manhole cover, bricks, and concrete.

Soil cement bank installation

Approximately 900-linear feet of buried soil cement will be constructed immediately downstream of the Sand Canyon Road bridge on the north bank of the River to provide flood protection for the new sewer line. The staging area, work zone, and stockpiled materials will occupy approximately 120 linear feet upland, above the river banks. Equipment will enter and exit the project site along Sand Canyon Road.

The river material will be sampled and screened for use in the soil cement and the remaining spoils will be removed. The soil cement will be laid in place, compacted, and allowed time for hardening.

Sewer pipe installation

A 15-foot wide access road will be built above the banks adjacent to the new sewer line to facilitate maintenance of the pipeline, and 1,250 linear feet of new pipeline will be installed. Approximately 50 linear feet of the new pipeline will be at the edge of, but within,

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the river bed. Approximately 0.04 acres of mulefat will be impacted to install this part of the sewer pipe. A standard excavator will be used to dig the trench for sewer pipe installation. The pipe will be placed along the open trench, and then laid in place. The trench will be backfilled and compacted with an excavator.

To move and spread river material, heavy equipment including a 140 Motorgrader, Cat 980 wheel loader, JD 210 Skiploader, Cat Skidsteer, and a JD 762B Scraper will be used. For compaction, a CAT 563C, 563E single vibratory drum rollers, Ingersoll Rand single drum roller, and Ingersoll Rand double drum vibratory rollers DD110, DD118, DD130 will be used. A 2000-gallon water truck will be used to keep soil moist for compaction, dust control, and for keeping the concrete moist for the curing time needed.

The manhole lowering and in-river pipeline installation is scheduled to take place in October 2016, depending on funding. The soil cement bank and above-river pipeline installation is scheduled to be completed between the 2019 and 2020 depending on funding.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 12 (Permit No. SPL-2013- 00566)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The Newhall County Water District approved the Final Mitigated Negative Declaration on February 18, 2014 (SCH No. 2014021032). A Notice of Determination was filed with the Los Angeles County Clerk on April 11, 2014.
11. Receiving Water: Santa Clara River (Hydrologic Unit Code: 180701020107)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 3.4 temporary acres (2,150 linear feet)

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14. Related Projects
Implemented/to be
Implemented by the
Applicant:

The Applicant has identified one related project, the downstream Vista Canyon mixed use development with bank stabilization and bridge. The Vista Canyon project was issued a Section 401 Water Quality Certification on April 24, 2013, File 12-034.

15. Avoidance/
Minimization
Activities:

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

- Conduct a pre-construction biological survey for special-status species determined to have potential to occur in suitable habitat within the Study Area no more than 72-hours prior to the start of construction activities. If special-status species are detected during pre-construction surveys then appropriate mitigation plans will be prepared by a qualified biologist. Additionally, a biological monitor will be present periodically during construction to ensure that impacts to special-status species are minimized or do not occur.
- Prior to construction, the project proponent shall have a qualified biologist prepare a wetlands restoration plan for permanent and temporary impacts to California Department of Fish and Wildlife jurisdictional areas.
- Conduct tree and vegetation trimming/clearing during the non-nesting season for birds, which generally extends from September through February. If tree and vegetation trimming/clearing needs to occur from March through August, then a pre-construction nesting bird survey shall be completed by a qualified biological monitor no more than 72- hours prior to the start of work. If breeding or nesting birds are found within or immediately adjacent to work areas then additional coordination with the USFWS and/or the CDFW may be required to comply with the federal Migratory Bird Treaty Act of 1918 (16U.S.C. 703-711) and California Fish and Game Code.
- Motor vehicle access will be limited to maintained roads and designated routes, where possible.

16. Proposed
Compensatory
Mitigation:

The applicant has proposed to return disturbed areas to pre-project grades and to replace 0.04 acres of mulefat scrub adjacent to the Sand Canyon Bridge.

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17. Required
Compensatory
Mitigation:

The Applicant shall return disturbed areas to pre-project grades and to replace 0.04 acres of mulefat scrub adjacent to the Sand Canyon Bridge (1:1 ratio).

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. 14-046

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 and the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement. **The document(s) shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.

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14. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** (ROWD) to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

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.

17. All project and construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board for approval and record. 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:

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- 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.

19. The Applicant shall restore **all 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.
20. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed loss of **0.04** acres of waters (mulefat habitat) by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.04 acres**). The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (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 project activities which take place 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.

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21. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation and project success and completion 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. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. 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 whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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23. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

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

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-046**. Submittals shall be sent to the attention of the 401 Certification Unit.
25. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
26. The project shall comply with the local regulations associated with the Regional Board’s Municipal Stormwater Permit issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. 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. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
27. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
28. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of

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noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

29. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

30. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.