



Los Angeles Regional Water Quality Control Board

Mr. Greg Emi
Muranaka Farm, Inc.
P.O. Box 189
Moorpark, CA, 93020

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0755

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED MURANAKA FARM FLOOD PLAIN RESTORATION PROJECT (Corps' Project No. SPL-2012-0082), ARROYO LAS POSAS, CITY OF MOORPARK, VENTURA COUNTY (File No. 14-142)

Dear Mr. Emi,

Board staff has reviewed your request on behalf of Muranaka Farm, Inc. (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 2, 2014.

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

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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

12-12-14
Date

DISTRIBUTION LIST

Jared Varonin (via electronic copy)
Aspen Environmental Group
5020 Chesebro Road, Suite 200
Agoura Hills, CA, 91301

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

Brock Warmuth
(via electronic copy)
California Department of Fish and Wildlife
Streambed Alteration Team
3883 Ruffin Rd Suite A
San Diego, CA. 92123-4813

Antal Szijj (via electronic copy)
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
WTR-2-4
75 Hawthorne Street
San Francisco, CA 94105

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

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Peter Brand (via electronic copy)
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Diane Noda (via electronic copy)
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

ATTACHMENT A

Project Information

File No. 14-142

1. Applicant: Greg Emi
Muranaka Farm, Inc.
P.O. Box 189
Moorpark, CA, 93020

Phone: (805) 529-6692 Ext. 500

2. Applicant's Agent: Jared Varonin
Aspen Environmental Group
5020 Chesebro Road, Suite 200
Agoura Hills, CA, 91301

Phone: (818) 338-6715

3. Project Name: Muranaka Farm Flood Plain Restoration

4. Project Location: Moorpark, Ventura County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34°15'45.74"N | 118°58'11.55"W |
| 34°15'40.84"N | 118°58'00.44"W |
| 34°15'39.33"N | 118°57'51.80"W |
| 34°15'37.91"N | 118°57'52.49"W |
| 34°15'35.00"N | 118°57'59.53"W |
| 34°15'35.57"N | 118°58'03.49"W |
| 34°15'37.33"N | 118°58'06.65"W |
| 34°15'44.33"N | 118°58'12.81"W |

5. Type of Project: Restoration of a flood plain through the conversion of farmed land

6. Project Purpose: The purpose of the proposed project is to restore approximately 11.8 acres within jurisdictional waters of the Arroyo Las Posas floodplain, which was farmed during Spring 2005 through 2007. This restoration project is a requirement which resulted from an enforcement action by the Environmental Protection Agency (EPA). The EPA File No. is 2008-088-Muranaka.

7. Project Description: The project will restore approximately 11.8 acres of jurisdictional waters within the active floodplain of Arroyo Las Posas (Calleguas Creek) at the Muranaka Farms site. The area within the floodplain

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had been farmed and those areas will be restored to pre-farming conditions.

In response to EPA's Administrative Order dated November 7, 2007, and in concert with EPA and the Ventura County Watershed Protection District, Muranaka Farms developed a comprehensive Restoration and Monitoring Plan (Restoration Plan) for removing and disposing of the fill material and restoring ecosystem functions to a portion of the active floodplain that had been converted to an agricultural field in the Arroyo Las Posas. The Restoration Plan was approved by the regulatory agencies in 2012 and remains in place.

The Agencies prioritized the development of a plan which would reconnect Calleguas Creek with active floodplain elevations at the restoration site that are roughly comparable to the pre-flood (i.e. January/February 2005) conditions. Data from an aerial image dated September 1, 2004 and LiDAR topography from March 2005 show that prior to the January/February 2005 flood and shortly after this flood, much of the restoration site was within the active floodplain and generally below the 10-year flood elevation.

This Restoration Plan will restore approximately 17.7 acres of a parcel at Muranaka Farms, assessor's parcel number 163-0-020-785. The connecting farmland owned by Muranaka Farms stretches to the north and east, bounded by the railroad and Los Angeles Avenue.

A previous Certification (File No. 09-007) was issued for this project which expired in May 2014. The grading portion of the restoration was completed under the previous Certification (File No. 09-007). This Certification (File No. 14-142) authorizes the replanting and reseeding of the restoration areas to complete the project and the continued monitoring. The restoration will remove non-native invasive species, remove trash and debris from riparian areas, plant native trees and shrubs, and improve the drainage channel for agricultural runoff.

The drainage channel will be improved by replacing the existing grass lined drainage channel with a vegetated strip and small berm at the toe of the slope from the farm service road. This vegetated strip will conform to the size and seed mix specs as described in the Restoration Plan. The berm and vegetated strip will function as a vegetated swale, collecting any drainage water from the upper

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service road and allowing it to percolate or flow toward the west. The berm will be 1-foot high, with side slopes of 3:1, and have a 4-foot wide top.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 27 (Permit No. SPL-2012-0082)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304 Minor Alteration to Land
11. Receiving Water: Arroyo Las Posas (Hydrologic Unit Code: 180701030103)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 11.8 temporary acres (restoration)
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.
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16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Construction activities will not take place during rain events.
 - No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, concrete or washings thereof, or oil or petroleum products shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or

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debris shall be removed from the work area. No trash or debris shall be deposited within 150 feet of the high water mark of any waters.

- Erosion Control and Stabilization measures will be in place.
 - Construction Management Techniques will be in place during construction activities.
 - Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily. To prevent leaks of materials that if introduced to water could be deleterious to aquatic life.
 - Monitoring of all Restoration/Enhancement Activities.
 - Staging/storage areas for equipment and materials shall be located outside of waters.
 - Any materials placed in seasonally dry areas that could be washed downstream or could be deleterious to aquatic life shall be removed from the project site prior to inundation by high flows.
 - The Applicant will not remove or otherwise disturb vegetation or conduct any other project activities on the project site from March 1 to September 1 to avoid impacts to breeding/nesting birds. If work during the breeding/nesting season cannot be avoided then, prior to construction or site preparation activities, the applicant shall have a qualified biologist survey all breeding/nesting habitat within the project site and adjacent to the project site for breeding/nesting birds.
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- The activities within the stream course shall be limited to the dry period of the year from May 1 to October 1 and/or when the stream is not actively flowing and no measurable rain is forecasted within 72 hours. If measurable rain is predicted within 72 hours during construction, all activities shall cease and protective measure to prevent siltation/erosion shall be implemented/maintained.
 - A qualified biological monitor with all required collection

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permits shall be on site during operations and shall survey for species prior to construction. If any life stages of any native vertebrate species are found in the path of construction, the monitor shall relocate the species to a safe location. Exclusionary devices shall be erected to prevent the migration into or the return of species into the work site.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to restore 11.8 acres of vegetated streambed.

18. Required
Compensatory
Mitigation:

As this project is restorative in nature, the Regional Board will not require any additional compensatory mitigation.

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. 14-142

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

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

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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. 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 target species and habitat. All pesticides directed toward aquatic species must be approved

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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.

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.
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 (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
19. All project/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.
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,

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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.

21. 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 and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
22. The Applicant shall submit to this Regional Board **Annual Restoration 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 restoration success has been achieved and documented. The Annual Reports shall describe in detail all of the project activities performed during the previous year and all restoration 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-restoration site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project/restoration areas;

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- (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 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. 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.

24. 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)

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_____ (Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-142**. Submittals shall be sent to the attention of the 401 Certification Unit.
26. 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.
27. 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. 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.
28. 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.
29. 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.
30. *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,

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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.

31. 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.