

Los Angeles Regional Water Quality Control Board

January 4, 2019

Eric G. Lardiere
Whittaker Corporation
1955 North Surveyor Avenue
Simi Valley, CA 93063

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7016 0750 0000 8035 0406

Dear Mr. Lardiere:

RE: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE FORMER WHITTAKER-BERMITE FACILITY (WDID FILE #4WQC4018050)

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Los Angeles Regional Water Quality Control Board Executive Officer, Deborah J. Smith. This Order is issued to Eric G. Lardiere, Whittaker Corporation for Former Whittaker-Bermite Facility (Project). Attachments A through C of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the Whittaker Corporation for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact Dana Cole by phone at (213) 576-5733 or by email at: dana.cole@waterboards.ca.gov

You may also contact me by phone at (213) 576-6785 or by email at: LB.Nye@waterboards.ca.gov

Sincerely,

LB Nye
Senior Environmental Scientist,
Section 401 Certification and Wetlands Unit
Los Angeles Water Quality Control Board

Enclosures (1): Order for Former Whittaker-Bermite Facility, File No. 18-050

cc: [Via email only] (w/ enclosure):

Dr. Brad Blood
Psomas
Santa Ana, CA 92707

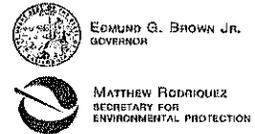
Elizabeth Payne
CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Sacramento, California

Justin Pearce
U.S. Army Corps of Engineers
Regulatory Branch
Los Angeles District, California

Jeff Humble
California Department of Fish and Wildlife
Streambed Alteration Team
Los Alamitos, California

Melissa Scianni
US EPA, Region 9
San Francisco, California

G. Mendel Stewart
Jonathan Snyder
U.S. Fish and Wildlife Service
Carlsbad, California



Los Angeles Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: January 4, 2019

Program Type: Fill/Excavation

Reg. Meas. ID:	422320
Place ID:	848577
WDID:	4WQC40118050
NWP:	38
USACOE#:	SPL-2010-01132-BEM
R4 File No	18-050

Project Type: Cleanup of Hazardous or Toxic Waste

Project: Former Whittaker-Bermite Facility (Project)

Applicant: Whittaker Corporation

Applicant Contact: Eric G. Lardiere
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Applicant's Agent: Brad Blood
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Engineering Geologist
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Water Board Contact Person:

If you have any questions, please call Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) Staff listed above or (213) 576-6600 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Whittaker Corporation (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on May 17, 2018. The application was deemed complete on October 17, 2018.

II. Public Notice

The Los Angeles Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from May 21, 2018 to the effective date of Order. The Los Angeles Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project will remediate and remove the hazardous materials at the Former Whittaker-Bermite Facility (Facility). The Project will also include the excavation and remediation of soils containing perchlorate and volatile organic compounds (VOCs).

IV. Project Description

The Facility lies on 996 acres and was used for the manufacture of flares and munitions for approximately 80 years. The Project consists of the removal of hazardous materials and waste that accumulated on the Facility as a result of the operations and manufacturing. The entire property is 996 acres; however, Project activities for this Certification are occurring over 0.74 acres (Project Sites). Several ephemeral unnamed drainages tributaries to the Santa Clara River are within the Project sites.

The following are some of the products that were manufactured at the Facility:

- Ammunition Rounds
- Detonators, Fuses, and Booster
- Flares and Signal Cartridges
- Glow Plugs and Tracer and Pyrophoric Pellets
- Powder Charges
- Rocket Motors and Gas Generator
- Missile Main Charge

Manufacture of flares and munitions ended in 1988.

Remedial work at the Facility began in 1995. The remedial work is conducted in accordance with the remedial action plan (RAP), dated November 30, 2010 and the remedial design (RD), dated July 27, 2011. The RAP and RD were approved by California EPA Department of Toxics Substances Control (DTSC), who is the lead environmental regulatory agency for the Site, on December 6, 2010 and January 4, 2013, respectively.

Activities at the Facility are covered by a Construction Stormwater permit (WDID 4 19C370476). The Project implements a Stormwater Pollution Prevention Plan (SWPPP) dated January 2014 and amended April 21, 2015.

The Facility has been divided into seven Operable Units (OUs) with OU1 through OU6 designated for soils and OU7 for groundwater beneath the site. The Project Sites consist of 0.74 acres in OU2 through OU4.

Munitions and explosives of concern (MEC) and munitions debris (MD) are known to be present in certain areas within OU3 through OU4 and these MEC/MD will be removed or safely buried. Soils containing perchlorate in OU2 and OU3 will be excavated and remediated. Most of the excavated soils will be treated on site via ex-situ bioremediation and the clean soil will be returned to the excavation areas. A relatively small amount of petroleum-impacted soil (less than 1 percent) will be transported off site for disposal.

Removing MEC/MD contaminated soil from the Project Sites, treating and remediating the soil, and then replacing the removed soil will cause temporary impacts to 0.68 acre of ephemeral tributaries on the Project Sites. These impacts will take place in OU3 (Area 14, 0.44 acres), OU2 (Area 25, 0.13 acre), and OU4 (0.11 acre).

OU2 and OU3: Perchlorate-impacted soil will be excavated and hauled to the treatment pad. Soils will be treated and the clean soil will be transported to backfill those areas in the approximate pre-removal configuration. Clearing and grubbing of vegetation will occur at the beginning of the excavations. After backfilling, the area will be hydroseeded with a native seed mix and erosion control measures will be established.

OU4: Landfill materials potentially containing MEC/MD will be excavated and transported to a treatment pad for screening/segregation and processing. Clean soil will then be used for backfilling of those areas in the approximate pre-removal configuration. Clearing and grubbing of vegetation will occur at the beginning of the excavations. After backfilling, the area will be hydroseeded with a native seed mix and erosion control measures will be established.

Soil stockpiling, processing, and treatment will be conducted on engineered treatment pad areas to prevent spreading of contaminated soil. Surface water run-off from the treatment pad areas will be contained in engineered catch basins.

Permanent impacts to 0.06 acres of ephemeral tributary will occur in OU3 (Area 17). A 4-foot-thick soil cap will be placed over the East Fork Landfill to prevent erosion of the area and eliminate exposure to MEC/MD in the landfill. Clean soil less than 0.75-inch diameter grain size will be used for capping the area. After placement of the clean soil, the capped area will be hydroseeded with a native seed mix; and erosion control measures will be established.

V. Project Sites Locations:

<u>Latitude</u>	<u>Longitude</u>
34.40275	-118.5148
34.40693	-118.5238
34.40724	-118.5252

<u>Latitude</u>	<u>Longitude</u>
34.40805	-118.5260
34.40882	-118.5270
34.40913	-118.5277
34.41291	-118.5207

Maps showing the Project location are found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Los Angeles Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at:

http://www.waterboards.ca.gov/plans_policies/

The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Receiving Water: South Fork Santa Clara River
(Hydrologic Unit Code: 180701020401)

Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, WARM, WILD

*Conditional beneficial use

VII. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 1: Total Project Fill/Excavation Quantity		
Aquatic Resource Type	Temporary Impact¹	Permanent Impact
		Physical Loss of Area
	Acres	Acres
Stream Channel	0.68	0.06

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

VIII. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation described in section XII for temporary impacts that have temporal loss and permanent physical loss of area.

IX. California Environmental Quality Act (CEQA)

On November 30, 2010, the Department of Toxic Substances Control (DTSC), as lead agency, adopted an initial study/negative declaration (IS/ND) (State Clearinghouse (SCH) No. 2010071042 for the Project. The Los Angeles Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that DTSC's adopted environmental document comports with the requirements of CEQA and is valid. (Cal. Code Regs., tit. 14 § 15096(e); Pub. Resources Code, § 21167.2.) The Los Angeles Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by DTSC adequately addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).)

X. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XI. Fees Received

An application fee of \$ 2,388 was received on May 21, 2018. An additional fee of \$7696.00 was received on December 10, 2018 for a total fee of \$10,084 based on total Project impacts. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Fill and Excavation Discharges, with the dredge and fill fee calculator.

XII. Conditions

The Los Angeles Water Board has independently reviewed the record of the Project to analyze impacts to the environment and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

Requirements for the content of these reporting and notification types are detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary of Project effective date. Annual Reporting requirements are detailed in Attachment C. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

- a. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Los Angeles Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- b. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,² and no further Project activities will occur. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Los Angeles Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

a. **Accidental Discharges of Hazardous Materials³**

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
- first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly, follow the required OES procedures as set forth in:

² Completion of post-construction monitoring shall be determined by Los Angeles Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

³ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill Booklet Feb2014 FINAL BW Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill%20Booklet%20Feb2014%20FINAL%20BW%20Acc.pdf)

- ii. Following notification to OES, the Permittee shall notify Los Angeles Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
 - iii. Within five (5) working days of notification to the Los Angeles Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Los Angeles Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
 - ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. Modifications to Project**
Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Los Angeles Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Los Angeles Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.
- d. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Los Angeles Water Board in accordance with the following terms:
- i. The Permittee must notify the Los Angeles Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Los Angeles Water Board at least 10 days prior to the transfer of ownership.
 - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- e. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs such as debris basins is legally transferred, the Permittee must submit to the Los Angeles Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide

such notification to the Los Angeles Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

- 1. General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Los Angeles Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- 3. Post-Construction:** Visually inspect the Project site during the rainy season for five (5) years to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Los Angeles Water Board staff member overseeing the Project within three (3) working days. The Los Angeles Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Los Angeles Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Los Angeles Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Los Angeles Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Los Angeles Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. **Construction General Permit Requirement:** If enrolled, the Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-009-DWQ and NPDES No. CAS 000002 as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto) (General Construction Permit).

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment B of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Los Angeles Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. This Order shall expire **five (5) years** from date of this Order. The Applicant shall submit a complete application at least 90 days prior to termination of this Order if renewal is requested.

G. Best Management Practices

1. **Measures to Prevent Sediment from Entering Watercourses and Protect Water Quality During Construction**
 - a. No activities shall be performed when the ephemeral drainage courses are conveying seasonal storm flows or during rain events.
 - b. Soil disturbance shall be avoided within areas not needed for or otherwise associated with the proposed excavation area.

- c. The project site shall be accessed via existing roads.
- d. Erosion in concentrated flow paths shall be controlled by applying erosion control blankets, check dams, and lining swales, as appropriate.
- e. Existing vegetation shall be preserved, where required and when feasible.
- f. Temporary erosion control measures shall be applied to active and non-active areas as long as needed. Measures shall be installed prior to the rainy season and at regular intervals throughout the rainy season.
- g. The following sediment control measures shall be implemented on site, as appropriate:
 - Silt fence
 - Sediment basin
 - Sediment trap
 - Check dam
 - Fiber rolls
 - Gravel bag berm
 - Sand bag barrier
 - Straw bale barrier
 - Storm drain inlet protection
 - Active treatment system
 - Temporary silt dike
 - Compost socks and berms
 - Biofilter bags

2. Post-construction Measures to Protect Water Quality

- a. After completion of excavation activities and treatment of removed soils, conditions at each area of excavation shall be returned to existing conditions to the extent possible. However, BMPs shall be in place until the vegetation is established.
- b. Non-active areas shall be stabilized during excavation operations and as soon as feasible after the completion of construction activities.
- c. At the completion of construction, the site shall be restored to the pre-existing condition or permanent erosion control shall be applied, such as hydroseed to all disturbed soil areas.
- d. Straw wattles and jute mats shall be installed every 20 to 30 vertical feet on the face of fill slopes or silt fences shall be installed at the base of fill slopes.
- e. Sandbags and check dams shall be installed to control and direct runoff.
- f. Hydroseed shall be applied to areas deemed substantially complete during the rainy season. The seed mix shall contain a mix of native plants appropriate to this site.
- g. All disturbed area shall be restored by contouring to match pre-disturbed land surface.

3. Measures to Protect Fish, Wildlife, and Plant Resources

- a. Special status plant populations shall be avoided to the extent practical during project activities.
- b. Mitigation measures shall be implemented if full avoidance is not possible including (1) relocating all known individuals of slender/club-haired mariposa lily hybrids and Plummer's mariposa lily within the project impact area to a suitable planting area within suitable habitat not currently occupied by the species and (2) facilitating the establishment of the target species through the implementation of a maintenance and monitoring program.
- c. The following avoidance and minimization measures shall be implemented within approximately two to three days prior to initiation of grading:
 - i. The Project biologist shall conduct a pre-grading site walkover, including proposed excavation areas and access roads, to check for coast horned lizards and wildlife of low mobility to assess the need for, and method of, relocating such species if present;
 - ii. The Project biologist shall relocate coast horned lizards and other sensitive reptiles that are found within the grading activity areas to adjacent suitable habitat areas that will not be impacted by the project;
 - iii. The Project shall avoid soil disturbance within areas not needed for or otherwise associated with the proposed excavation area;
 - iv. Access the project site shall be via existing roads; and
 - v. The Project shall avoid leaving open trenches or holes where wildlife may fall into and are not able to exit.
- d. The Permittee shall implement the following minimization measures during project construction:
 - i. Open trenches or holes shall not be left where wildlife may fall into and be unable to exit them.
 - ii. Prior to any construction during the raptor nesting season (January 31 to September 15), a qualified Biologist shall conduct a site survey for active nests two weeks prior to any scheduled development. If an active nest is located, then no construction work shall be conducted within a 500-foot radius from the nest until the young have fledged and are independent of the adults.
 - iii. Timing of construction activities shall consider seasonal requirements for breeding birds and migratory non-resident species. Habitat clearing shall be avoided during species active breeding season (generally defined as March 1 to September 15) or, prior to construction or site preparation activities, the Operator shall have a qualified Biologist survey all breeding/nesting habitat on the project site and adjacent to the project site for breeding/nesting birds. Surveys shall be conducted every three to four days for two consecutive weeks with the last survey not more than three days prior to the start of construction. If breeding activities and/or an active bird nest is located and concurrence has been received from the CDFW, the breeding habitat and nest site shall be fenced a minimum of 300 feet (500 feet for raptors) in all directions, and this area shall not be disturbed until the nest becomes inactive.

- iv. If Threatened or Endangered species are observed in the area, no work shall occur during the breeding season (March 1 through September 15) to avoid direct or indirect (noise) take of listed species. State and/or federally Threatened or Endangered species permits may be required prior to commencing project activities.
- e. A Biological Monitor shall be on site during operations and shall survey for species prior to construction. If any species are found in the path of construction, the monitor shall relocate the species to a safe location. Exclusionary fencing shall be erected to prevent the migration or reentry of the species into the work site.

4. Post construction return to pre-project conditions

After remediation activities are completed, all disturbed areas shall be returned to pre-disturbance conditions and hydroseeded with a native seed mix consistent with plant materials known and/or expected to occur within the region.

5. Storm Water

The project shall comply with the local regulations associated with the Los Angeles Water 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.

H. On-site Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge of waters of the state.
2. The Permittee shall restore all areas of temporary impacts in accordance with the *Riparian Habitat Mitigation Plan Whittaker-Bermite Facility Los Angeles County, California* dated January 2013 and incorporated herein by reference.
3. The Los Angeles Water Board may extend the monitoring period upon a determination by Los Angeles Water Board Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

Table 2: Required Project Mitigation Quantity for Temporary Impacts			
Aquatic Resource Type	Mitigation Type⁴	Units	Method⁵
			Rehabilitation
Stream Channel	Permittee Responsible	Acres	0.68

I. Compensatory Mitigation for Permanent Impacts⁶ Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized permanent impact to stream channel by rehabilitating riparian habitat at a minimum 1:1 area replacement ratio (0.06 acres). In addition the Permittee shall provide preservation of 0.50 acres of riparian habitat.
- b. Permittee has purchased a total of 0.50 acre of preservation credit for riparian woodland/riparian oak habitat from the Santa Paula Creek Mitigation Bank and 0.06 acre of rehabilitation credit for non-wetland riparian forest at Petersen Ranch Mitigation Bank. In addition, the Permittee has purchased 0.47 acre of rehabilitation credit for non-wetland great basin scrub at Petersen Ranch Mitigation Bank.
 - i. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Los Angeles Water Board within 90 days of authorized impacts.
 - ii. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Los Angeles Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.
- c. Total required Project compensatory mitigation information for permanent physical loss of area, ecological degradation and temporal loss is summarized in Table 3.

⁴ Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

⁵ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

⁶ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

(footnote continued on next page)

Table 3: Required Project Compensatory Mitigation Quantity				
Aquatic Resource Type	Compensatory Mitigation Type ⁷	Units	Method ⁸	
			Rehabilitation	Preservation
Riparian Zone	Mitigation Bank	Acres	0.06	0.50

XIII. Water Quality Certification

I hereby issue the Order for the Former Whittaker-Bermite Facility, 4WQC40118050 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

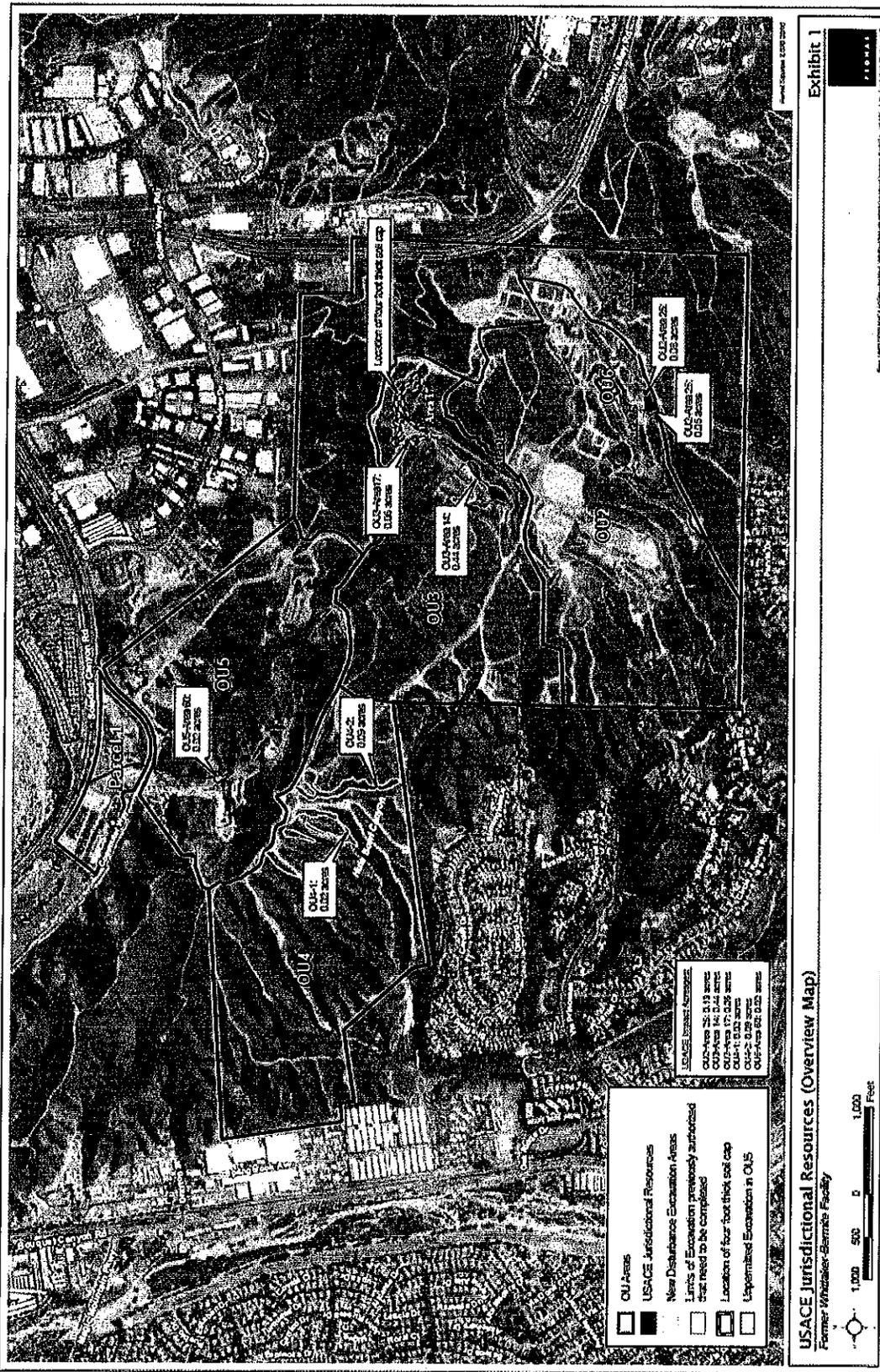
Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

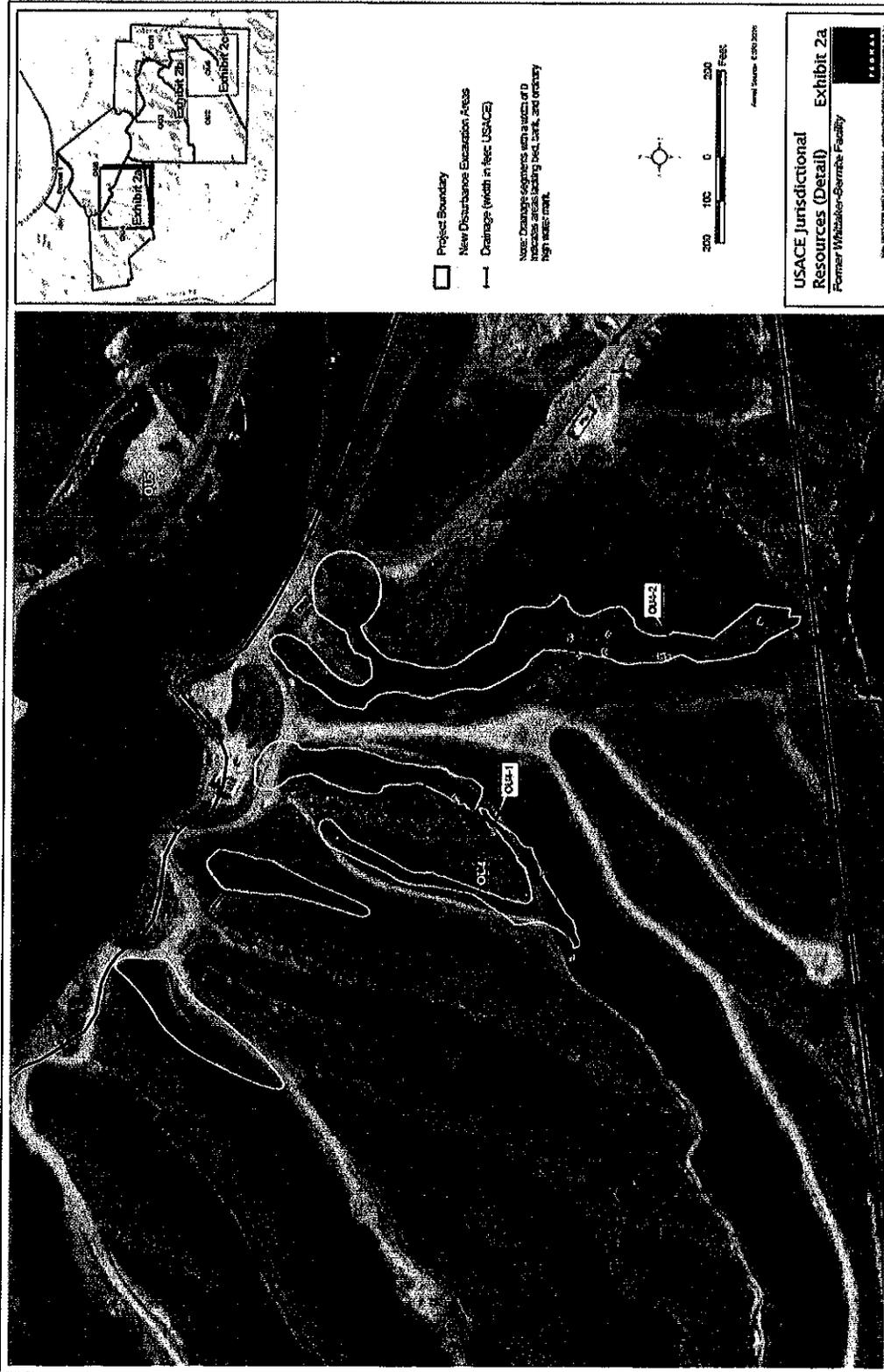

 Deborah Smith
 Executive Officer
 Los Angeles Water Quality Control Board

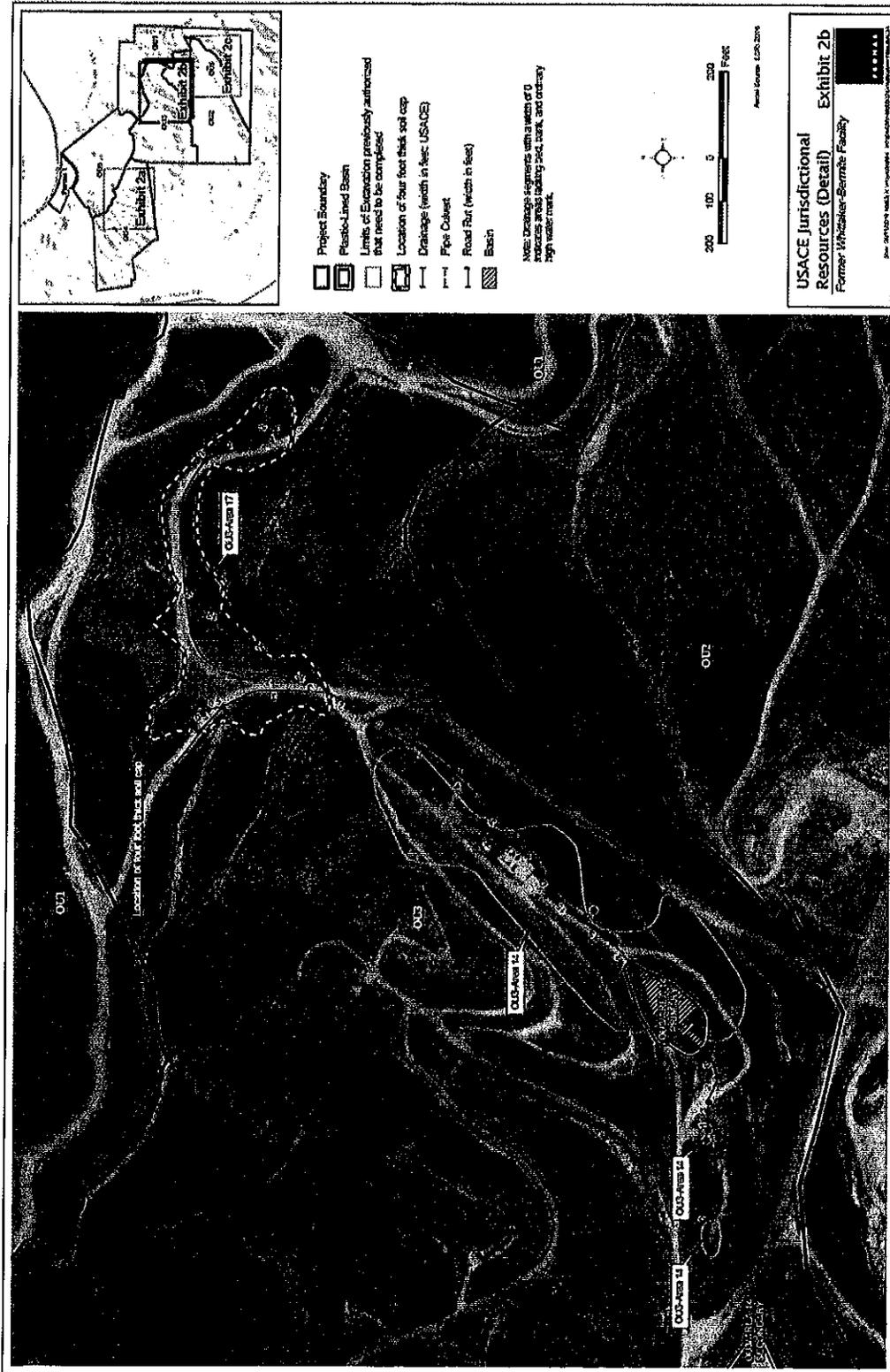
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 Date

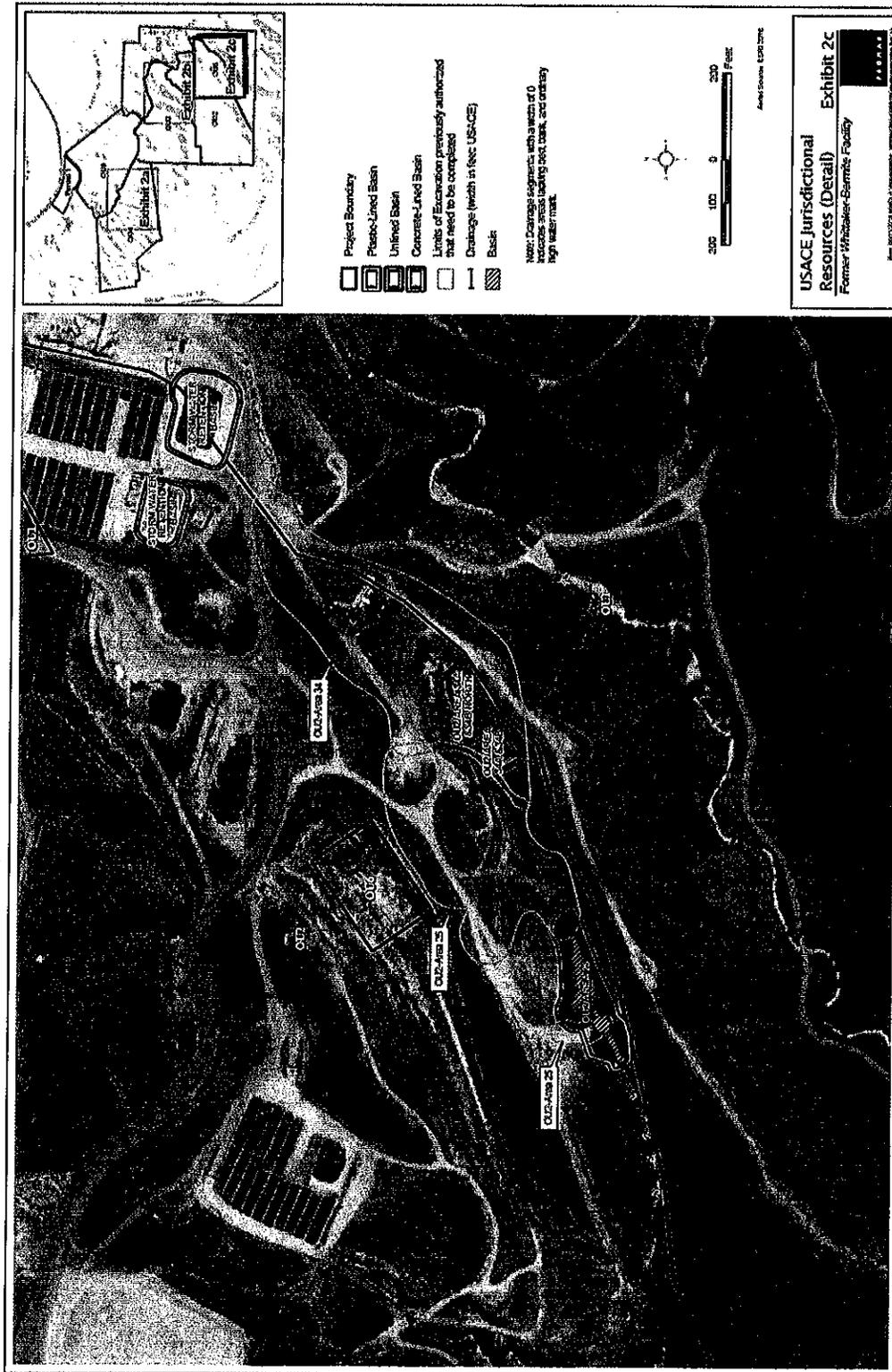
⁷ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

⁸ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.









Attachment B
Signatory Requirements

SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Los Angeles Water Quality Control Board (Los Angeles Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the Los Angeles Water Board Staff Contact prior to submitting any documents listed in item 1 above.

3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Attachment C
Report and Notification Requirements

Failure to Submit Required Reports Is a Violation of The Conditions of This Order

Include a copy of the Project specific Cover Sheet below with your report: please retain a copy for your records.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Los Angeles Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to:
Dana.Cole@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Dana Cole; File No: 18-050, Reg. Measure ID: 422320 Report

Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Los Angeles Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Los Angeles Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee

upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Los Angeles Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Los Angeles Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Los Angeles Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET

Project: Former Whittaker-Bermite Facility

Permittee: Eric G. Lardiere (Whittaker Corporation)

Reg. Meas. ID: 422320 **Place ID:** 848577 **File No:** 18-050

Report Type Submitted

Part A - Project Reporting

Report Type Annual Report

Part B - Project Status Notifications

Report Type Commencement of Construction

Report Type Request for Notice of Completion of Discharges Letter

Report Type Request for Notice of Project Complete Letter

Part C - Conditional Notifications and Reports

Report Type Accidental Discharge of Hazardous Material Report

Report Type Violation of Compliance with Water Quality Standards Report

Report Type In-Water Work/Diversions Water Quality Monitoring Report

Report Type Modifications to Project Report

Report Type Transfer of Property Ownership Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name ¹

Affiliation and Job Title

Signature

Date

¹STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature

Date

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

Part A – Project Reporting

Report Type	Annual Report
Report Purpose	Notify the Los Angeles Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the anniversary of Project effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 4: Mitigation for Temporary Impacts Status • Topic 5: Compensatory Mitigation for Permanent Impacts Status
Annual Report Topics (1-3)	
Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	<ol style="list-style-type: none"> 1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. 2. Color photos, pre-project and current. 3. Map showing general Project progress. 4. If applicable: <ol style="list-style-type: none"> a. Summary of any conditional reports sent during the year such as "Accidental Discharge of Hazardous Material Report" or "Accidental Discharge of Hazardous Material Report" b. Copies of revised permits from other agencies c. Compilation of all water quality monitoring results for the year in a spreadsheet format.

Annual Report Topic 2	Mitigation for Temporary Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<p>*If not applicable report N/A.</p> <ol style="list-style-type: none"> 1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of mitigation success.
Annual Report Topic 3	Compensatory Mitigation for Permanent Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<p>*If not applicable report N/A.</p> <p>Part A. Permittee Responsible</p> <ol style="list-style-type: none"> 1. Planned date of initiation of compensatory mitigation site installation. 2. If installation is in progress, a map of what has been completed to date. 3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. <p>Part B. Mitigation Bank or In-Lieu Fee</p> <ol style="list-style-type: none"> 1. Status or proof of purchase of credit types and quantities. 2. Include the name of bank/ILF Program and contact information. 3. If ILF, location of project and type if known.

Part B – Project Status Notifications

Report Type	Commencement of Construction
Report Purpose	Notify Los Angeles Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

Report Type	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify Los Angeles Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	<ol style="list-style-type: none"> 1. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 2. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type	Request for Notice of Project Complete Letter
Report Purpose	Notify Los Angeles Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Los Angeles Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 1. A report establishing that areas of temporary impacts to waters of the state, and upland areas of temporary disturbance which could result in a discharge to waters of the state, have been successfully restored and all identified success criteria have been met. Pre- and post-photo documentation of all restoration sites. <p>Part B: Permittee Responsible Compensatory Mitigation</p> <ol style="list-style-type: none"> 2. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. 3. Status on the implementation of the long-term maintenance and management plan and funding of endowment. 4. Pre- and post-photo documentation of all compensatory mitigation sites. 5. Final maps of all compensatory mitigation areas (including buffers). <p>Part C: Post-Construction Storm Water BMPs</p> <ol style="list-style-type: none"> 6. Date of storm water permit Notice of Termination(s), if applicable. 7. Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Los Angeles Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Los Angeles Water Board staff.
Report Contents	<ol style="list-style-type: none"> 1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. 2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Los Angeles Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Los Angeles Water Board staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Los Angeles Water Board staff.

Report Type	In-Water Work and Diversions Water Quality Monitoring Report
Report Purpose	Notifies Los Angeles Water Board staff of the completion of in-water work.
When to Submit	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.

Report Contents	As required by the approved water quality monitoring plan.
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Report Type	Modifications to Project Report
Report Purpose	Notifies Los Angeles Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
When to Submit	Prior to any alteration or modification of Project activities.
Report Contents	A description and location of any alterations of Project activities. Identify any Project modifications that will interfere with the Permittee's compliance with the Order. Any alteration may require an Amendment, to be determined by Los Angeles Water Board staff.

Report Type	Transfer of Property Ownership Report
Report Purpose	Notifies Los Angeles Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	<ol style="list-style-type: none"> 1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and b. responsibility for compliance with any long-term BMP¹ maintenance plan requirements in this Order. 2. A statement that the Permittee has informed the purchaser to submit a written request to the Los Angeles Water Board to be named as the permittee in a revised order.
Report Type	Transfer of Long-Term BMP Maintenance Report
Report Purpose	Notifies Los Angeles Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

¹ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.