



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board Los Angeles Region



Arnold Schwarzenegger
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Ms. Belinda Kwan
Los Angeles County Dept. of Public Works
900 S. Fremont Avenue
Alhambra, California 91803

WATER QUALITY CERTIFICATION FOR PROPOSED SANTA ANITA DAM RISER MODIFICATION AND RESERVOIR SEDIMENT REMOVAL PROJECT (Corps' Project No. 2008-00370-VEN), SANTA ANITA WASH, CITY OF ARCADIA, LOS ANGELES COUNTY (File No. 08-088)

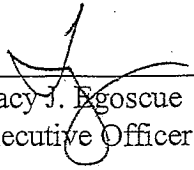
Dear Ms. Kwan:

Board staff has reviewed your request on behalf of the Los Angeles County Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 10, 2009.

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

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

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



Tracy J. Egoscue
Executive Officer

10/22/09
Date

DISTRIBUTION LIST

Bill Orme (by electronic copy)
State Water Resources Control Board
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Jamie Jackson
(via electronic copy)
California Department of Fish and Game
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Valisa E. Nez
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
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Los Angeles, CA 90053-2325

Eric Raffini (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
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ATTACHMENT A

**Project Information
File No. 08-088**

1. Applicant: Los Angeles County
Department of Public Works
900 S. Fremont Avenue
Alhambra, California 91803

Phone: (626) 458-6100 Fax: (626) 979-5436
2. Applicant's Agent: Belinda Kwan
Los Angeles County
Department of Public Works
900 S. Fremont Avenue
Alhambra, California 91803

Phone: (626) 458-6100 Fax: (626) 979-5436
3. Project Name: Santa Anita Dam Riser Modification and Reservoir Sediment Removal Project
4. Project Location: Arcadia, Los Angeles County
- | <u>Longitude:</u> | <u>Latitude:</u> |
|-------------------|------------------|
| 119.1561 | 34.2886 |
| 119.1592 | 34.2869 |
| 119.1597 | 34.2866 |
| 119.1600 | 34.2861 |
| 119.1588 | 34.2875 |
| 119.1580 | 34.2875 |
| 119.1572 | 34.2872 |
| 119.1569 | 34.2880 |
5. Type of Project: Dam Riser Modification and Reservoir Sediment Removal
6. Project Purpose: The purpose of this project is to remove the sediment that has accumulated behind the dam since the last clean out and to modify a riser on the low-level outlet of the dam. The riser modification is needed to comply with Division of Safety of Dams (DSOD) seismic stability standards. The sediment removal is to maintain the

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operational function of the valves by preventing blockage from the sediment deposition and to increase the reservoir capacity for flood protection and water conservation.

7. Project Description:

The Santa Anita Reservoir Sediment Removal (proposed project) is located on the border of the City of Arcadia, in the western San Gabriel Valley in Los Angeles County, approximately 15 miles northeast of downtown Los Angeles.

The project area includes: Santa Anita Reservoir; the Santa Anita Dam; the tunnel from the reservoir to the downstream access road along the streambed; Santa Anita Headworks; Santa Anita Debris Basin (DB), and the Santa Anita Sediment Placement Site (SPS).

Approximately 500,000 cubic yards of sediment will be removed. The Santa Anita SPS is comprised of three sections (the Upper, Middle and Lower SPS areas). The Upper SPS area, located in the northerly end of the SPS, is an already disturbed area, but does not have sufficient capacity for the anticipated sediment to be removed from the reservoir. The Middle SPS area has capacity for sediment storage; apart from existing access roads it is relatively undisturbed and characterized by native vegetation. The Lower SPS area, located in the southerly end of the SPS, is an already disturbed area that contains sediment from previous cleanouts of the reservoir, debris basin, and other local flood protection facilities; it also does not have sufficient capacity to accommodate the expected volume of sediment from the reservoir. The proposed project will first place approximately 250,000 cubic yards of excavated sediment in the Lower SPS, which will then be landscaped for mitigation and aesthetics, and closed out to future sediment placement. The remainder of the sediment, approximately 250,000 cubic yards, will be placed in the Middle SPS.

The proposed project will also include improvements to the Santa Anita Dam, which will involve modifications to the dam's inlet and outlet works, including the construction of a new riser. In order to comply with DSOD's seismic stability standards, the riser modification will be performed concurrently with the sediment removal project.

The dam outlet modification component consists of constructing a concrete riser on the lowest outlet gate of the dam. The existing

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trash rack in front of the gate will be moved to the outside of the new riser and the existing gate will remain in place. An additional gate will be installed on the outside of the new riser. Additional slide gates may be installed on the new riser and/or the existing risers for Valves No. 2, 3, and 4, to allow operations below the restricted level.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 404 (Permit No. 2008-00370-VEN)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
No. 1600-2008-0173-R5
10. California Environmental Quality Act Compliance: A Notice of Determination was finalized on June 10, 2009 for the proposed project. An EIR was completed and a Statement of Overriding Considerations was adopted for this project.
11. Receiving Water: Santa Anita Wash (Hydrologic Unit No. 405.33)
12. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, WARM, COLD, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Reservoir: 9.00 temporary acres in reservoir
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:

- Temporary soil stabilization through scheduling work outside of the wet season to the maximum extent possible (work in SPS may have to occur through February), preservation of existing vegetation when feasible, mulching, hydroseeding, soil binders (if permitted), erosion control blankets, earth dikes, drainage swales, and/or slope drains;
- Temporary sediment control through silt fencing, desilting basins, sediment traps, check dams, fiber rolls, barriers or berms, street sweeping, and/or stormdrain protection;
- Tracking control through stabilization of construction entrances/exits and roadways, and/or tirewashes;
- Non-storm water management through water conservation practices and during vehicle equipment cleaning, fueling, and maintenance, dewatering operations, or stream crossings; and
- Waste management and material pollution control including management of stockpiles, hazardous wastes, contaminated soil, concrete waste, sanitary waste, and liquid waste, spill prevention/control, and proper material delivery, use, storage, and disposal.

17. Proposed Compensatory Mitigation:

The Applicant has proposed to implement a combination of the following mitigation measures through consultation with CDFG:

Reservoir: As impacts will be temporary and no vegetation will be impacted, no mitigation is proposed for the reservoir.

Upland areas: CDFG and Applicant have agreed on a mitigation strategy.

Coastal or riversidean sage scrub in the SPS will be mitigated at the Big Tujunga Wash Mitigation Bank Site.

The 8 coastal live oak trees within the Middle SPS are to be removed. Woodland shall be mitigated with one or a combination

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of the following measures:

- Oak woodland restoration shall occur within the Lower SPS, which includes approximately 8 acres available for restoration activities.
- Establishment of a conservation easement that shall permanently protect equivalent oak woodlands;
- Contribution of funds to the Oak Woodlands Conservation Fund or equivalent for the purpose of purchasing oak woodlands conservation easements; and
- Planting of an appropriate number of equivalent area of trees, including maintaining plantings and replacing dead or diseased trees for a period of up to seven years.

Mitigation may include salvage of seed or specimen from the impacted area for use in planting.

The size of a conservation easement, amount of funding for contribution to the Oak Woodlands Conservation Fund and/or the number of trees planted for mitigation shall be determined through consultation with CDFG, the City of Arcadia and the Regional Board. If feasible, an oak woodland conservation easement shall occur within the same Big Santa Anita watershed in which impacts occur. Any contributions to the Oak Woodlands Conservation Fund, or an acceptable alternative shall be allocated to specific localities approved by CDFG, Regional Board and the US Army Corps of Engineers. Contributed funds shall be sufficient to acquire and manage a conservation easement in perpetuity.

Details of planting for mitigation shall be described in both a conceptual restoration plan and a mitigation and monitoring plan for oak woodland, which shall be submitted and approved by CDFG prior to implementation of the project. The restoration plan shall include detailed methodology for how the site will be prepared, planted, and maintained and quantitative performance criteria such as minimum percent cover by native species, maximum percent cover by non-native species, and minimum species diversity levels.

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18. Required
Compensatory
Mitigation:

As proposed in the previous section (No. 17), the Regional Board will require a submittal of the Restoration/Mitigation Plan within 30 days of project commencement. Per the CDFG Streambed Alteration Agreement, the mitigation ratio for the upland temporary impacts shall be at least a minimum of 2:1; no additional mitigation is assessed for temporary impacts in the reservoir.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

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

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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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 by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities involving vegetation clearing. 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.
17. 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** 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.
18. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

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

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore **all areas** 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. Where necessary, restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to 0.15 upland acres of habitat at a minimum 2:1 area replacement ratio

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(0.30 acres). The boundary of the mitigation site shall be clearly identified on a map/plan of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

22. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **May 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking). At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. 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.

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(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)
(Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **08-088**. 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. 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 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

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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 prior to termination of this Certification if renewal is requested.

