



**California Regional Water Quality Control Board**  
**Los Angeles Region**



Linda S. Adams  
 Acting Secretary for  
 Environmental  
 Protection

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Edmund G. Brown Jr.  
 Governor

Mr. Russ Koehler  
 Lake Lindero HOA  
 5719 Lake Lindero  
 Agoura Hills, California 91301

**WATER QUALITY CERTIFICATION FOR PROPOSED LAKE LINDERO DREDGING PROJECT (Corps' Project No. 2010-00787-PHT), LAKE LINDERO, CITY OF AGOURA HILLS, LOS ANGELES (File No. 10-151)**

Dear Mr. Koehler:

Board staff has reviewed your request on behalf of Lake Lindero HOA (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 8, 2011.

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 Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger  
 Samuel Unger, P.E.  
 Executive Officer

2-11-10  
 Date

## DISTRIBUTION LIST

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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  
6010 Hidden Valley Road  
Carlsbad, CA 92009

**ATTACHMENT A**

**Project Information  
File No. 10-151**

1. Applicant: Russ Koehler  
Lake Lindero HOA  
5719 Lake Lindero  
Agoura Hills, California 91301  
  
Phone: (818) 235-7077
2. Applicant's Agent: Juan Hernandez  
1905 Business Center Drive  
San Bernardino, California 92408  
  
Phone: (909) 890-1818 Fax: (909) 890-1809
3. Project Name: Lake Lindero Dredging Project
4. Project Location: Agoura Hills, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.150454	-118.791475
34.150121	-118.791223
34.150197	-118.791701

5. Type of Project: Dredging
6. Project Purpose: The objective of the project is to dredge Lake Lindero (a private Lake owned by the Lake Lindero Homeowners Association) to remove sediments. The shallow water contributes to seasonal eutrophic conditions which may contribute to fish kills in the lake.
7. Project Description: The project (Project) will remove approximately 4,500 cubic yards of sediment from an approximate four acre area at the northwestern segment of the lake near the inflow spillway. An approximate 7,000 cubic yard capacity holding basin, dug to a depth of approximately 3 to 4 feet below surface will be excavated on upland, golf course property, north of the lake.



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Total project duration is estimated at eight weeks. No truck trips will be generated during the dredge operation. Clarified dredge water will be returned to the lake via a similar, parallel piping system. No native riparian habitat will be removed and no sensitive species will be impacted.

Sediments will be removed from Lake Lindero by means of a floating hydraulic dredging operation. A six-inch floating dredge at the boat launch area will be used and a floating pipe line will be attached to the equipment. The pipe line will run up the creek spillway to a designated location. This location will be the golf course fairway grass area located North West of the Lake Lindero inlet creek spillway.

The dredge material from the lake will be transported through the eight-inch HDPE pipeline that connects the dredging equipment to the basin. The placement of the pipe on land will be in areas already disturbed and adjacent to private residences, a tennis court, and the lawn on the golf course. The basin will settle out the heavy materials. The basin will be constructed with an interior berm to help settle the dredge spoils further. A lift pump at the opposite end of the basin from dredging discharge inlet will keep the basin at pre-determined height keeping adequate free board.

The lift pump will pump to a portable clarifier that will separate the fine light materials with the addition of polymer. The polymer metering system will add polymer to the flow from the basin to the clarifier. The discharge water from the clarifier will be piped back to the lake. The fines that have been flocculated by the polymer and separator in the clarifier will be pumped into the basin.

Upon completion of the operation the dredge spoils will be allowed to dry and consolidate. It is projected that 30 to 60 days will be adequate for this process. The use of a long reach excavator to mix and aerate the dredge spoils after consolidation and before the closing of the basin will ensure that the material can be compacted to reasonable rate. After closure, fairway greens will be planted and irrigation system re-installed.

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8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 16 (Permit No. 2010-00787-PHT)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement  
"Operation of Law" letter issued October 28, 2010.
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Lindero Creek (Hydrologic Unit No. 404.23)
12. Designated Beneficial Uses: MUN\*, REC-1, REC-2, WARM, WILD  
\*Conditional beneficial use
13. Impacted Waters of the United States: Lake/Reservoir: 4.00 temporary acres
14. Dredge Volume: 4,500 cubic yards
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.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Use of straw wattles, hay bales, bank netting,
  - Dredge pipes will lie on concrete spillway.
  - BMPs will be implemented to avoid erosion of lake bank.

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- Spoil site/storage area will be placed 827 feet away.

17. Proposed  
Compensatory  
Mitigation:

None

18. Required  
Compensatory  
Mitigation:

No compensatory mitigation will be required due to the temporary nature of impacts and because the project will improve conditions in the Lake.

*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. 10-151

#### 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. **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 or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.



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



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stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

14. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed.
16. The Applicant shall, prior to the initiation of dredging, submit to this Regional Board a plan for the protection of fish, turtles and other wildlife (wildlife protection plan) including the re-location of fish and other wildlife, if necessary. The wildlife protection plan shall include exclusionary devices to prevent return of wildlife to the work area and monitoring of wildlife during the dredging project.
17. 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. If impacts are to vegetated areas, then restoration shall include grading to pre-project contours and re-vegetation with native species and irrigation, as necessary.
18. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project completion. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project 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;





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21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-151**. Submittals shall be sent to the attention of the 401 Certification Unit.
22. 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.
23. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
24. 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.
25. 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.
26. *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



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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.
27. 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.