



Los Angeles Regional Water Quality Control Board

Mr. Albert Anidi
County of Los Angeles
Department of Public Works
900 S. Fremont Avenue
Alhambra, California 91803-1331

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9669

WATER QUALITY CERTIFICATION FOR PROPOSED SANTA MONICA CANYON CHANNEL RUBBER DAM AND LOW FLOW DIVERSION PROJECT (Corps' Project No. SPL-2010-00583-MAS), WILL ROGERS STATE BEACH PACIFIC OCEAN, CITY OF LOS ANGELES, LOS ANGELES COUNTY (FILE No. 13-087)

Dear Mr. Anidi:

Board staff has reviewed your request on behalf of County of Los Angeles 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 June 19, 2014.

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

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

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733

Handwritten signature of Samuel Unger, P.E.
Chief Deputy E.O. for
Samuel Unger, P.E.
Executive Officer

8-13-14
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 13-087

1. Applicant: Mr. Albert Anidi
County of Los Angeles
Department of Public Works
900 S. Fremont Avenue
Alhambra, California 91803-1331

Phone: (626) 458-5199 Fax: (626) 458-3179
2. Project Name: Santa Monica Canyon Channel Rubber Dam and Low Flow Diversion Project
3. Project Location: City of Los Angeles, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.028196 | 118.518930 |
| 34.028149 | 118.518891 |
| 34.028111 | 118.518858 |
| 34.028348 | 118.518401 |
| 34.028729 | 118.518057 |
| 34.028461 | 118.518496 |
| 34.028641 | 118.517979 |
| 34.028674 | 118.518016 |
4. Type of Project: Rubber dam installation
5. Project Purpose: The proposed project (Project) is designed to improve the water quality of the Will Rogers State Beach and Santa Monica Bay. The construction of the rubber dam will divert polluted flow into the sewer system during the summer season.
6. Project Description: The Project is designed to divert polluted low flows which contain various contaminants (pathogens, oil, grease, metals, and gasoline) within the Santa Monica Canyon Channel into the City of Los Angeles sewer to be treated and removed at the Hyperion Treatment Plant before being discharged into Santa Monica Bay.

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The proposed Project will be located within a 40-foot-wide and 500-foot-long concrete-lined channel between the Pacific Palisades bluffs and Will Rogers State Beach. The channel is free of vegetation.

The Project activities will consist of installing an inflatable rubber dam within the Santa Monica Canyon channel at approximately 600 linear feet upstream of the outlet on Will Rogers State Beach. The proposed rubber dam will be 37-foot-wide by 3-foot-high and will be installed in the channel by attaching it to the floor of the channel with bolts and anchoring both sides to the wall with anchor bolts. The rubber dam will be inflated during the low flow season to divert winter low flow runoff to a newly constructed 24-inch-wide PVC pipe (encased in concrete) which ultimately connects into the City of Los Angeles' sanitary sewer system approximately 500' downstream of the rubber dam. During high flows, the rubber dam will be deflated which will allow water to flow unimpeded to the ocean.

To minimize impacts to the waterbody and water quality, the rubber dam will be constructed in the low flow period when there is minimum flow in the channel. The construction of the rubber dam project will take approximately four weeks and will be constructed in the dry weather with no forecast of rainfall. The completion date of 2014 may be extended to account for unforeseen problems in the weather conditions or construction activities.

The rubber dam will be completely removed and the streambed restored prior to five years from the issuance of this certification. If the County of Los Angeles needs to continue to operate the rubber dam in order to meet water quality standards at Will Rogers State Beach, the County will apply for a renewed Water Quality Certification which includes, and provides as part of its application, appropriate justification.

A permit to construct this project, which included a 24-inch-wide by 500 foot long concrete encased PVC pipe, was previously issued under Nationwide Permit No. SPL-2010-00583-MAS. Construction started in April 2012 but due to unforeseen contract issues, construction was suspended in September 2012. During that

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period, construction of the encased concrete pipe was completed. The permits expired in March 2013. This certification will allow for construction of the remaining work.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 43 (Permit No. SPL-2010-00583-MAS)

8. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement

California Coastal Commissions
Coastal Development Permit

9. California Environmental Quality Act Compliance: The City of Los Angeles approved a Mitigated Negative Declaration on May 11, 2010.

10. Receiving Water: Will Rogers State Beach (Pacific Ocean) (Hydrologic Unit Code. 180701040502)

11. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, SPWN, SHELL

12. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.0017 temporary and 0.0017 permanent acres (37 linear feet).

13. Dredge Volume: None

14. 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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15. Avoidance/
Minimization
Activities:

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

- No Construction-related materials shall be discharged from the Project site to the receiving waters. Non-storm water runoff, any other equipment, or any other activity, shall be contained within the Project site using appropriate BMPs;
- Construction work will be scheduled during the summer low flows in order to reduce the likelihood that a water diversion plan will be needed;
- All vehicles will be checked so that they are not leaking before entering the channel;
- Vehicles will not be parked overnight in the channel.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary and minor nature of impacts associated with the project and the location of the project within a concrete lined channel.

17. Required
Compensatory
Mitigation:

Since the project impacts are temporary or minor and since the project is in within a concrete lined channel, the Regional Board will not require any compensatory mitigation.

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 Wildlife's (CDFW) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, 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, 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 or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

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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. 2011-0002-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. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
17. 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.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a Surface Water Diversion Plan (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

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- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)

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

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

19. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification. The Annual Reports shall describe in detail all of the project activities performed during the previous year including number of times the rubber dam was inflated, corresponding dates, and estimate of flow diverted on each date. Additionally, the Annual Reports shall include fecal-indicating bacteria data from Will Rodgers State Beach and an analysis of the effectiveness of the rubber dam and diversion in improving water quality at the Beach (e.g. by comparing beach water quality when the rubber dam is inflated and when it is not inflated). 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;
 - (c) Copies of all permits revised as required in Additional Condition 1;
 - (d) Beach water quality monitoring results compiled in spreadsheet format;

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- (e) Flow data above and below rubber dam when in use in spreadsheet format along with information on whether the rubber dam was inflated and the low-flow diversion in operation on the date of the sampling;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities; and
 - (h) A certified Statement from the Applicant that all conditions of this Certification have been met.
20. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official or other duly authorized employee.
21. 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)"

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22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-087**. Submittals shall be sent to the attention of the 401 Certification Unit.
23. 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.
24. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ.
25. 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.
26. 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.
27. *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.

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- (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.
28. This Certification shall expire **five (5) years** from date of this Certification. The rubber dam will be completely removed and the streambed restored prior to five years from the issuance of this certification. If the County of Los Angeles needs to continue to operate the rubber dam in order to meet water quality standards on Will Rogers State Beach, the County will apply for a renewed Water Quality Certification which includes appropriate justification. Appropriate justification will include demonstration of effectiveness of diversion in improving water quality on Will Rodgers State Beach and progress in reducing nuisance flows and fecal-indicating bacteria concentration in streams as required by the Municipal Stormwater Permit issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.

