



Los Angeles Regional Water Quality Control Board

Ms. Patricia Wood
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 7405

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED LIVE OAK DAM INLET/OUTLET WORKS REHABILITATION PROJECT (Corps' Project No. SPL-2015-00090), LIVE OAK WASH, CITY OF CLAREMONT, LOS ANGELES COUNTY (File No. 15-012)

Dear Ms. Patricia Wood:

Board staff has reviewed your request on behalf of Los Angeles County Flood Control District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 9, 2015.

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, 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

Sept. 18, 2015
Date

DISTRIBUTION LIST

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Los Angeles County Flood Control District
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State Water Resources Control Board
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ATTACHMENT A

**Project Information
File No. 15-012**

1. Applicant: Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803
2. Applicant's Agent: Patricia Wood
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

Phone: (626) 458-6175 Fax: (626) 979-5436
3. Project Name: Live Oak Dam Inlet/Outlet Works Rehabilitation Project
4. Project Location: Claremont, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34°08'02"	-117°44'42"
34°07'59"	-117°44'37"
34°07'57"	-117°44'41"
34°07'58"	-117°44'44"
34°07'59"	-117°44'37"
34°07'57"	-117°44'41"
34°07'58"	-117°44'44"
34°08'02"	-117°44'42"

5. Type of Project: Dam maintenance repairs and upgrades
6. Project Purpose: The project will maintain dam safety, accessibility, and eliminate hazardous lead based paints at the facility.
7. Project Description: The project is needed for maintaining the safe, reliable operation of the Live Oak Dam which supports critical flood protection, water conservation, and emergency dewatering capabilities.
- Recent inspections have shown excessive corrosion in a 10-inch low-flow outlet pipe, deterioration of the concrete outlet tunnel, and

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corrosion of the slide gate and its operating shaft. As required by the California Department of Water Resources, Division of Safety of Dams, maintenance repairs and upgrades are needed to ensure continued and long-term operation of the dam.

A gravel access route and gravel work area will be necessary to perform work on the slide gate, risers, debris racks, and outlets, which are located on the dam. An access route will be graded to the reservoir bottom, and a gravel work area will be established at the upstream face of the dam. Gravel material imported to the site will be washed and sorted at an off-site location outside the waters of the U.S. and state (Waters). The access route will follow part of an existing road, and is the shortest feasible route into the reservoir. The gravel access route and gravel work area will permanently impacts 0.04 acres (45 linear feet) of waters of the state and U.S.

Grading the slopes of the access road will temporarily impact 0.16 acres of non-wetland Waters and the slopes will not be returned to pre-project contours but will be seeded with native annuals for improved habitat and improved slope stability, seeding will occur on the graded slopes of the access road.

In addition to the establishment of the access road and the establishment of a gravel work area, construction activities will include a temporary construction work area. The activities will temporarily impact 0.02 acre of non-wetland Waters. This temporary impact area will be restored to pre-project contours, to the extent feasible. This area will also be restored by seeding and planting with a grass mix composed of species native to the project vicinity.

A downstream construction work area will be established at the outlet works. The downstream work area will temporarily impact 0.02 acre of non-wetland Waters. The downstream work area will occur entirely within the existing concrete plunge pool.

Other Work Outside But Near Jurisdictional Waters

The existing outlet at Live Oak Dam includes a 36-inch by 42-inch slide gate connected to a concrete outlet tunnel, and a ten-inch low-flow outlet.

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The low-flow outlet pipe will be slip-lined with a new stainless steel pipe and one additional valve will be installed for more precise flow control. The 36-inch by 42-inch slide gate will be rehabilitated with new seals, coatings (to be applied off-site), a new operating stem, and a new electric actuator.

The corrugated steel riser (an intake tower that allows water through the dam) for the low-flow outlet will be replaced with a new concrete riser and steel debris rack.

The outlet tunnel will be patched and resurfaced with mortar. Debris generated from construction activities will be properly contained.

Lead paint abatement and new protective coatings will be applied on the existing pedestrian bridges, platforms, handrails, and ladders. Lead based paint has been found on several existing steel appurtenances at the dam. Lead paint abatement procedures will be conducted to properly eliminate hazardous materials. New protective coatings will be applied at off-site locations when possible. The appurtenances are located outside Waters.

The existing outdated electrical equipment will be updated to modern standards, and the lighting will be upgraded with more efficient fixtures. The valve control panel will also be replaced.

The paved part of the existing access road and parking area will be repaved to maintain access to the dam. All asphalt paving will be above the high water line of the reservoir and outside Waters. A portion of the road near the spillway elevation will be paved with Portland cement concrete.

The entrance gate (which is kept locked) will be replaced with a hardened security gate. The damaged wire fence around the entrance gate will be replaced with a new hardened security fence.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
NWP No. 31 (Permit No. 2015-00090-BLR)

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9. Other Required Regulatory Approvals: California Department of Fish and Wildlife Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Live Oak Wash (Hydrologic Unit Code: 180701060402)
12. Designated Beneficial Uses: MUN*, GWR, FRSH, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Lake/Reservoir: 0.04 permanent acres (45 linear feet) and 0.20 temporary acres (430 linear feet).
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.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Work activities have been minimized to the greatest extent possible and will be conducted only within the approved project boundary.
 - Exclusionary measures will be employed to minimize impacts to nesting birds during construction activities. Exclusionary measures may include use of mylar flash tape and removal of non-native vegetation within impact acres, prior to the start of bird nesting season.

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- Prior to ground disturbing activities, qualified biologists will conduct a biological preconstruction survey and a bird nesting survey if construction falls within bird nesting season.
- If surface waters are present and aquatic species are found within the project area, the surface water diversion bypass pipeline pump will be equipped with a barrier to prevent harm to native aquatic species.
- The construction schedule will be sequenced so that the majority of the work in the reservoir and in the wash is completed during the dry season or during clear weather forecasts.
- As part of annual routine dam operations, the reservoir will be drained prior to the start of any project activities. If residual pools of water are present, a surface water diversion plan will be provided by the contractor and provided to the regulatory agencies prior to implementation. Reservoir inflows will be captured using a bypass pipeline and released through the outlet tunnel. Surface water will be directed around the project work area to ensure the work area remains dry.
- A water truck will be utilized in the reservoir for dust control during grading activities.
- Debris generated from construction activities will be properly contained using appropriate BMPs, such as liquid waste management and a stabilized construction entrance/exit. No oil and/or petroleum byproducts will be discharged into the streambed. Vehicles will be maintained and checked prior to entering the worksite.
- Equipment staging will occur on the dam, on the existing reservoir access road, parking area, and within project work area. Materials and equipment will be stored and maintained outside of the streambed and low-flow areas.
- Existing steel appurtenances requiring lead paint abatement are located outside Waters. To further minimize impacts, lead paint abatement will be conducted off-site, as much as possible.
- Gravel used in this project will be obtained from local gravel

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distributors within the San Gabriel River watershed.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to restore 0.11 acres of disturbed riparian habitat on site as compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Applicant shall provide 0.11 acres of mitigation of riparian habitat for impacts created to waters of the U.S. and state. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification File No. 15-012

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

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

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

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

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

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.

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

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

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

21. The Applicant shall restore **0.18 acres** of TEMPORARY IMPACTS to waters of the United States offset the proposed temporary loss of **0.18 acres** waters. The 0.02 acres of temporary impact in the concrete area will not require mitigation. Restoration shall include revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent loss of **0.04 acres** waters of the United States by creating, restoring or enhancing riparian habitat at a minimum **2.75:1** area replacement ratio (**0.11 acres**) onsite. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

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- (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (c) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States.

23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success and completion 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) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
- (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 whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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.
24. All applications, reports, or information submitted to the Regional Board shall be signed:

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30. 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.
31. 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.
32. *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.
33. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.

