

EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

Ms. Jennifer Samson  
Los Angeles River Revitalization Corporation  
570 West Avenue 26, Ste. 475  
Los Angeles CA 90065

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7014 2870 0001 4613 6035

**WATER QUALITY CERTIFICATION FOR PROPOSED NORTH ATWATER BRIDGE PROJECT (CORPS' PROJECT NO. SPL-2012-00051-JMV), LOS ANGELES RIVER, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 13-032)**

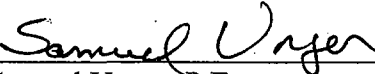
Dear Ms. Samson:

Board staff has reviewed your request on behalf of Los Angeles River Revitalization Corp. (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 8, 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 and/or permits.

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

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

12-15-15  
Date

## DISTRIBUTION LIST

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**ATTACHMENT A**

**Project Information  
File No. 13-032**

1. Applicant: Los Angeles River Revitalization Corp.  
Ms. Jennifer Samson  
570 W. Ave. 26 Ste. 475  
Los Angeles, CA  
  
Phone: (213) 221-7800

2. Project Name: North Atwater Bridge

3. Project Location: Los Angeles, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34° 07' 52.30"	-118° 16' 25.23"
34° 07' 52.79"	-118° 16' 27.09"
34° 07' 50.59"	-118° 16' 26.93"
34° 07' 49.23"	-118° 16' 26.68"
34° 07' 50.24"	-118° 16' 23.11"
34° 07' 51.40"	-118° 16' 23.50"
34° 07' 50.92"	-118° 16' 23.06"
34° 07' 50.56"	-118° 16' 22.87"

4. Type of Project: Concrete foundation cable-stayed 325-foot long pedestrian and equestrian bridge.

5. Project Purpose: The proposed project (Project) will allow bicycle, pedestrian, and equestrian traffic to move over the Los Angeles River.

6. Project Description: The Project will construct a bridge that will span approximately 325 feet across the Los Angeles River between North Atwater Park and Griffith Park. The bridge will be supported by three piers; two of the piers will be located on the embankments, and the third center pier will be constructed in the river channel. Work in the river channel will be scheduled outside the wet season (April 15 through October 15). Upon completion of the structure the affected areas will be restored and enhanced.

## ATTACHMENT A

### Project Information

File No. 13-032

#### Water Diversion

A water diversion plan (Plan) will be prepared for the proposed Project and submitted for review and approval by this Regional Board no less than thirty days prior to conducting activity within waters of the state and U.S. (Jurisdiction). The Plan will include:

- The location and method of diversion;
- The limits of the work area that will require isolation from flows;
- A hydrologic evaluation for sizing diversion structures based on anticipated flows;
- Contingency measures for removal of diversion structures in the event of precipitation events that exceed the diversion structure design criteria including predicted storm events that would trigger in-river diversion structure removal;
- Diversion structures will be designed and sized pursuant to all public agency or regulatory requirements.
- Temporary diversion structures such as k-rails, coffer dam, geotextile, and silt curtains that will be used to divert flows, isolate the construction area; and prevent contact of surface flows with potential construction pollutants in order to protect water quality;
- Diversion structures will be installed in a manner that does not cause sedimentation, siltation or erosion upstream or downstream.
- The channel within the project work area will be allowed to dry prior to construction activities.
- Construction groundwater dewatering will be conducted to avoid wet excavations. A Report of Waste Discharge (ROWD) will be submitted to the Los Angeles Regional Board to obtain necessary NPDES permits and waste discharge requirements prior to discharge.
- All dewatering or diversion structures will be removed upon completion of Project activities and the work area is clean and stabilized.

## ATTACHMENT A

### Project Information

File No. 13-032

#### Heavy Equipment

Equipment including dump trucks, backhoes, pickup trucks, and cranes will enter and operate within the Los Angeles River channel during the proposed Project. Heavy equipment including dump trucks, backhoes, pickup trucks, and a crane will enter the river channel from two paths: an intermittent night time delivery from Interstate-5 adjacent to the west, and from approximately 600 feet north of the proposed project site.

A temporary soil ramp will be constructed over the channel embankment. Temporary steel plates will be placed over the ramp and in the river channel to provide equipment access and minimize damage to the river channel.

An elevated temporary crossing will be installed to prevent equipment from coming into contact with the surface water. Pathways from upstream vehicular access points will be designated with stakes, flags and other non-permanent markers to minimize disturbance to the channel. It is anticipated that the majority of equipment will enter the river channel from the North Atwater Parking lot. The crane will be lowered in sections by a second crane staged outside of the river.

#### Demolition

Demolition will consist of removal of the existing slurry concrete riprap from the east and west banks of the Los Angeles River channel where the bridge foundations will be installed. The approximately area of the slurry riprap that will be removed is 80 feet in the direction of the streambed by 65 feet. The concrete will be taken to a legal point of disposal. The riprap will be temporarily stored in a designated stage area located outside of Jurisdiction and reused as required.

At the completion of removal of the concrete riprap slurry from the east and west channel banks, the foundations of the central and western bridge piers will be drilled and the east pier will be excavated. The center pier will require removal of approximately 1,480 cubic yards of sediment from the middle of the river. The two end piers will require removal of about 2,700 cubic yards from the east bank and about 3,550 cubic yards from the west bank to install the bridge pier foundations. The east and west bank excavations

## ATTACHMENT A

### Project Information

File No. 13-032

will be about 20 feet deep at the top of the east and west banks and will extend to the depth of the river channel and will extend into the adjacent bike path and greenway trail at the respective ends of the bridge.

Steel sheet piles will be driven with an impact hammer to about 40 feet into undisturbed sand to contain the soil around the excavation of the east and west piers. A 150 ton crane (one of two that will be ultimately used to erect the steel structure) will be required for this effort. The cranes will be delivered in parts and assembled in the riverbed and placed on a steel mat assembly elevated above the river bed to minimize damage. Surface flows will be diverted around the crane work area. The sand bottom of the river has been analyzed to accommodate the load of this crane. The excavated soils will be placed back in compacted lifts as structural fill to increase the soil bearing capacity and seismic performance for the crane. Movement of the crane in the riverbed will be minimized.

Water will be diverted to the east side of the channel allowing for the areas at the west and middle piers to be excavated out as required. Erosion and sediment controls, such as silt fence or straw wattles will be placed at the toe of the slopes to prevent the discharge of sediment into the river channel. Perimeter erosion controls will be installed to contain sediment in these areas during excavation activities.

#### Piles and Foundations

The center and west piers will sit on round drilled caissons. Concrete pile caps, foundation walls and bearing ledges will be formed and poured in place at the east and west piers. The east pier will be excavated and cast as a large mat slab with the vertical bridge abutment constructed on the flat surface. The depth of the mat slab and the backfill will keep the foundation secure from uplift and create a solid bearing condition. Upon completion of the foundation installation on the east and west banks, the excavations will be backfilled, graded to match the original contour, and new riprap and concrete slurry will be placed to restore the river bank profile to pre-construction contours.

#### Installation

The bridge steel will be assembled in four processes: the deck assembly, the mast, cables and fasteners, and deck accessories

## ATTACHMENT A

### Project Information File No. 13-032

(handrails, etc.). The steel bridge components will be delivered at night from the Highway shoulder and from the east with trucks driving in the river bottom to make deliveries. Trucks will enter the river from the North Atwater Parking lot. Deliveries will be minimized to minimize disturbance to the channel bottom.

The deck assembly will have shoring placed in the channel which will profile of the final bridge assembly. The deck will be assembled (bolted together) on the shoring. The shoring will be kept in place until the bridge is assembled and tension is put on the cables. An additional crane will be required to assist in the placement of the deck components.

The 120-foot long mast will arrive to the site in sections and final assembly will occur on a specially built platform adjacent to the bridge. After assembly, the large crane will pick the mast with the smaller crane guiding it into place. The mast will be set in place using temporary cables for stabilization. The final structural cables will then be installed with preliminary tension adjusted to stabilize the structure.

Upon completion of the work above the large crane will be dismantled and removed from the river bottom. The deck components will then be delivered and installed. The deck components will arrive at the site in prefabricated pieces.

Other associated work will be the installation of deck, handrails and equestrian paving systems along with lighting and circuiting back to the designated power source. These activities will be conducted outside of the Los Angeles River channel.

Upon completion of all heavy construction tasks in the river channel, cranes, matting and other support elements will be removed from the channel as safe or appropriate. Permanent riprap will be placed around the center pier and the islands and other soil surfaces in the river will be allowed to re-vegetate.

Prior to completion final cable tensioning and final inspections will occur using a hydraulic jacking system on the bridge deck which will not require channel access.

## ATTACHMENT A

### Project Information

File No. 13-032

#### Staging

Throughout the construction process access for workers, equipment and materials will be required. Material will come from both the highway and the Atwater Park side. Materials will be staged in Atwater Park and in the river on a designated work platform during in-river construction work. The 5 Freeway will be for few and major deliveries, and Atwater Park used for day-to-day and smaller elements. Coordination with LADWP and the equestrian community will occur so that the paths remain open as necessary.

7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 14 (Permit No. 2012-00051-JMV)
8. Other Required Regulatory Approvals: California Department of Fish and Wildlife (CDFW)  
Streambed Alteration Agreement  
CDFW issued an "Operation of Law" letter on June 4, 2013
9. Receiving Water: Los Angeles River Reach 4 (Riverside Dr. to Sepulveda Dam)  
(Hydrologic Unit Code: 180701050208)
10. Designated Beneficial Uses: MUN\*, IND, GWR, WARM, WILD, WET  
\*Conditional beneficial use
11. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.19 temporary and 0.01 permanent acres  
Non-wetland waters (streambed): 0.59 temporary and 0.03 permanent acres  
An additional 0.69 acre of riverbed will be temporarily impacted for access of equipment.
12. Dredge Volume: None



## ATTACHMENT A

### Project Information

File No. 13-032

13. 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.

14. Avoidance/  
Minimization  
Activities:

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

#### Site Management

- The number of access routes, number and size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the Project goal.
- Routes and boundaries will be clearly demarcated and will be located outside of riparian and wetland areas.
- Construction-related equipment, materials, and any temporary BMPs no longer needed, will be removed from the site and properly disposed upon completion of the Project.

#### In-Water Work

- Five day weather forecasts will be conducted.
- Site stabilization will be implemented if wet weather is forecast.
- Disturbed Jurisdictional areas will be stabilized and will not come in contact with the flow.
- In-water work will occur during periods of low water level and no precipitation.
- Work will be scheduled to occur between April 15 and October 15.
- Temporary diversion structures, such as k-rails will be installed to divert low flows around construction activities.
- Temporary work platforms will be constructed k-rail or similar footing supports overlain with steel or wooden decking for support of the drilling equipment in order to elevate the heavy equipment above the channel bed to minimize disturbances.

## ATTACHMENT A

### Project Information

File No. 13-032

- All diversion or dewatering activities will be designed to minimize the impact to waters of the state and maintain natural flows upstream and downstream.
- All work areas will be effectively isolated from stream flows using suitable control measures before commencement of any in-water work.
- The diverted stream flow will not be contaminated by construction activities.
- The isolated work areas will not be removed until all disturbed areas are cleaned and stabilized.
- Pathways from upstream vehicular access points will be designated with stakes, flags and markers to minimize disturbance to the channel.
- A temporary soil ramp will be constructed over the channel embankment to provide equipment access. Temporary steel plates will be placed over the ramp and in the river channel to minimize damage to the river channel.
- K-rails or other temporary diversion structures will be placed in the river to divert the channel to the east side of the river.
- An elevated temporary crossing will be installed to prevent equipment from coming into contact with the surface water.
- Fueling, lubrication, maintenance, storage and staging of vehicles and equipment will be prohibited within waters of the state unless an Regional Board approved fueling plan is prepared that:
  - Identifies the specific piece of machinery that may require fueling within waters of the state;
  - Provides justification for the need to refuel within waters of the state.
  - The justification will describe why fueling outside of jurisdictional waters is infeasible; and
  - Includes a narrative of specific BMPs that will be employed

## ATTACHMENT A

### Project Information

File No. 13-032

to prevent and capture fuel releases.

- Plastic sheeting used in water diversion and dewatering activities.
- Equipment will not be operated in areas of flowing or standing water.
- No cleaning or maintenance of vehicles or equipment will take place within any areas where an accidental discharge to waters of the state may occur.
- Construction materials and heavy equipment must be stored outside of the active flow of water.
- Once construction is completed, all Project-introduced material will be removed from the Los Angeles River Channel.
- Materials will be taken to a legal point of disposal.
- Machinery or construction materials not essential for project construction will not be allowed in the Los Angeles River channel.
- All work performed within waters of the state will be completed in a manner that minimizes impacts to beneficial uses and habitat.
- Measures will be employed to minimize land disturbances that will adversely impact the water quality of waters of the state.
- Disturbance or removal of vegetation will be minimized.
- The diversion dam Sediment will not be released into the channel.
- Containment will be employed below the bridge to prevent debris from falling into Jurisdiction during the entire Project.

#### Dewatering

- Construction groundwater dewatering will be conducted to avoid wet excavations.

## ATTACHMENT A

### Project Information

File No. 13-032

- All dewatering activities, including the area to be dewatered, timing of dewatering, and method of dewatering, will be consistent with the Dewatering Plans submitted to the Los Angeles Regional Water Board in the Application.
- All temporary dewatering methods will be designed to have the minimum necessary impacts to waters of the state to isolate the immediate work area.
- All dewatering methods will be installed so that natural flow is maintained upstream and downstream of the Project area.
- Any temporary dams or diversions will be installed so that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the Project area.
- All dewatering methods will be removed immediately upon completion of Project activities.

#### Soil Excavation

- No overflow or decant water will be discharged, with the exception of spillage incidental to excavator operations.
- Excavated sediment will be managed to prevent discharge into waters of the state.
- A *Materials Management Plan* will be developed prior to project construction for review and approval by the Los Angeles Regional Water Board.
- The *Material Management Plan* will address BMPs for excavating, transporting and disposing sediment removed during excavation of the bridge pier foundation.
- Sediment will be transported directly from the backhoe shovel into dump truck(s) within a construction area located inside the stream diversion area.
- Adequate freeboard will be maintained in the dump trucks to prevent spillage during transport.

## ATTACHMENT A

### Project Information

File No. 13-032

- The dump trucks will be monitored for leakage of water or sediment.
- The removed sediment will be temporarily stockpiled in a designated area designed to contain water resulting from soil dewatering and sediment or transported immediately off-site for proper disposal.
- Stockpiled materials that are not actively being used during construction will be covered unless reserved for seed banking, which requires alternative erosion and dust control BMPs.

#### Concrete Work

- No unset cement, concrete, grout, concrete spoils, or wash water used to clean concrete surfaces will be allowed contact with Jurisdiction.
- Concrete used in the Project will be allowed to completely cure, a minimum of twenty eight days, or will be treated with a Regional Board approved sealant before it comes into contact with flowing water.
- If sealant is used, water will be excluded from the site until the sealant is cured and until no detrimental impacts to water quality will occur.
- If needed, a concrete washout containment area will be established outside of the river channel to prevent any discharge.
- Cleaning of concrete trucks or grout mixers will be performed in designated washout areas of sufficient size to completely contain all liquid and waste concrete or grout generated during washout procedures.
- All concrete wastewater, wash water, grindings, hardened concrete or grout will be properly contained and will be taken to a legal point of disposal.
- Concrete, cement, debris, rubbish, or refuse material resulting from project related activities will not be allowed to enter into or be placed where it may be washed by rainfall or runoff into Jurisdiction.

## ATTACHMENT A

### Project Information

File No. 13-032

- When operations are completed, any excess materials or debris will be removed from the work area.
- No leachate from truck or grout mixer cleaning stations will be allowed to percolate into project area soils.

#### Bridge Construction

- Sediment barriers (silt fences, staked waddles) will be placed at the base of slopes adjacent to bridge installation.
- Sediment barriers will remain in place until re-vegetation or soil stabilization is complete.
- Tarps will be suspended below and around portions of the bridge during painting.

#### Waste Management

- Waste materials will be placed and temporarily stored in a manner to prevent contact with storm water or storm water runoff that could discharge into waters of the state.
- Waste materials will be temporarily stored at least 150 feet away from Jurisdiction.
- Construction material, spoils, debris, or any other substances associated with the Project that may adversely impact water quality standards will be located in designated areas and in a manner to prevent a discharge or a threatened discharge to waters of the state.
- All construction debris and trash will be regularly removed from the work area to the designated staging area during construction activities.
- Upon completion, all project-generated dredged material, debris, building materials, excess material, waste, and trash will be taken to a legal point of disposal.

#### Hazardous Materials

- To avoid the leaching of copper and other chemicals toxic to fish into the water column and sediment, only piles consisting of

## ATTACHMENT A

### Project Information

File No. 13-032

inert materials will be installed, such as steel, concrete, untreated wood, composite, reinforced plastic or polyethylene-coated treated wood.

- Platform and gangway decking will consist of steel, concrete, plastic or untreated wood, coated with a non-slip marine decking paint.
- If treated wood as framing materials for supporting the docks is used it will be painted with a double coating of a durable non-copper based marine paint specifically designed for outdoor marine environments.
- The Regional Board will be contacted immediately of any spill of petroleum products or other organic or earthen materials that result in a discharge to waters of the state.
- Spill control and clean up materials will be maintained onsite.
- All construction vehicles and equipment used on site will be well maintained and checked daily for fuel, oil, hydraulic fluid, or other toxic leaks.
- Classified hazardous Waste will be stored and used in a manner to prevent discharge into waters of the state.
- Onsite containment for storage of chemicals classified as hazardous will include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.
- Oil or grease leaks will be cleaned up immediately and properly disposed.

#### Equipment Operation and Maintenance

- All equipment must be washed prior to transport to the Project site and must be free of sediment, debris and foreign matter.
- Maintenance or refueling of vehicles or equipment occurring on-site will be done in a designated area with secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills.

## ATTACHMENT A

### Project Information

File No. 13-032

- No fueling, cleaning, or maintenance of vehicles or equipment will be allowed within any areas where an accidental discharge to waters of the state may occur.
- Stationary equipment (motors, pumps, generators) and vehicles not in use will be positioned over drip pans or other types of containment.
- Spill and containment equipment will be maintained onsite at all locations where such equipment is used or staged.
- The Contractor will be required to have an adequate supply of erosion control materials and spill containment supplies onsite to facilitate a quick response to unanticipated storm events, or fuel or hydraulic fluid spill emergencies.

#### Stabilization/Erosion and Sediment Controls

- Prior to the start of construction a Storm Water Management Plan (SWPPP) will identify construction and post-construction BMPs to address its urban runoff impacts for the life of the Project. Design measures will address the hydrology of the down gradient off-site area.
- The SWPPP will provide the responsible party for the long term funding operation and maintenance of the installed on-site post-construction storm water treatment controls.
- Erosion, sediment, and turbidity control will be implemented and in place during and after any ground-clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
- An combination of erosion and sediment control measures (re-vegetation, fiber rolls, erosion control blankets, gravel bag berms, k-rails, hydromulching, compost, straw with tackifiers, silt fence, erosion control blankets) will be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.
- Washout, track out, dust control, and other applicable source control BMPs will be implemented and maintained.



## ATTACHMENT A

### Project Information File No. 13-032

#### Dust Control

- Trucks hauling soil, sand, and other loose materials will be covered or will maintain at least two feet of freeboard.
- Paved access roads, parking areas, and staging areas will be swept daily, and as needed at construction site.
- Stockpiled materials will be enclosed, covered, or have soil binders applied to prevent generating dust and soil erosion.
- Dust control measures during windy periods will be implemented.
- Dust control activities will not produce downstream runoff.

#### Invasive Species

- Application of pesticides, if required, will be supervised by a certified applicator and be in conformance with the Regional Board conditions and manufacturer's specifications for use.
- Appropriate compounds to the target species and habitat will be used.
- Construction vehicles and equipment will be cleaned with compressed water or air within a designated containment area prior to accessing the work area to minimize the spread of invasive plant species into construction areas.
- Equipment and machinery used in Project construction will be inspected and cleaned of non-native invasive vegetation prior to on-site use.
- During vegetation removal, invasive plants, including seeds, rhizomes and other plant parts, will be contained and disposed of in an appropriate disposal facility away from the work zone.
- Within one year after completed construction 1.0 acres of giant reed (*Arundo Donax*) within the vicinity of the bridge will be removed to support natural recruitment and re-establishment of native plant species.

ATTACHMENT A

**Project Information**

**File No. 13-032**

15. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed that no later than one year after construction is complete 1.0 acres of giant reed (*Arundo donax*) within the vicinity of the bridge shall be removed to support natural recruitment and re-establishment of native plant species.

16. Required  
Compensatory  
Mitigation:

The Applicant will remove 1.0 acres of *Arundo donax* in the vicinity of the bridge.

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. 13-032

#### 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. **The document 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. 14, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

## ATTACHMENT B

### Conditions of Certification

File No. 13-032

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 by the Regional Board. Pesticide utilization shall be in accordance with State Water

## ATTACHMENT B

### Conditions of Certification

File No. 13-032

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 and 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.

## ATTACHMENT B

### Conditions of Certification

File No. 13-032

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 **all acres** 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.
22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.78 acres** and proposed permanent impacts to **0.04 acres** waters of the United States by enhancing riparian habitat by the removal of **1.0 acres** of *Arundo donax* in the vicinity of the project. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
- (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.

## ATTACHMENT B

### Conditions of Certification File No. 13-032

- (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.
23. The Applicant shall submit to this Regional Board **Annual Mitigation 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 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. 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:
- (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.

**ATTACHMENT B**

**Conditions of Certification  
File No. 13-032**

25. 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)"

26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-032**. Submittals shall be sent to the attention of the 401 Certification Unit.
27. 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.
28. 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. In addition, the project shall 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. 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.
29. 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.
30. 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



## ATTACHMENT B

### Conditions of Certification File No. 13-032

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.

31. *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.

32. 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.