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GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

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 9614

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SAN GABRIEL RUBBER DAM NO. 4 PROJECT (Corps' Project No. 2014-00506-BLR), SAN GABRIEL RIVER, CITY OF PICO RIVERA, LOS ANGELES COUNTY (File No.14-083)

Dear Ms. Wood:

Board staff has reviewed your request on behalf of the 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 October 29, 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.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

Feb. 4, 2015
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 14-083

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

Phone: (626) 458-6131 Fax: (626) 979-5436

2. Applicant's Agent: Ms. Grace Yu
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

Phone: (626) 458-6131 Fax: (626) 979-5436

3. Project Name: San Gabriel Rubber Dam No. 4

4. Project Location: San Gabriel River, Los Angeles County

<u>Latitude</u> (Decimal Degrees)	<u>Longitude</u> (Decimal Degrees)
33.9709	-118.0877
33.9712	-118.0874
33.9708	-118.0878
33.9711	-118.0871
33.9706	-118.0875
33.9709	-118.0869
33.9705	-118.0873
33.9707	-118.0874
33.9706	-118.0872

5. Type of Project: Rip rap alteration

6. Project Purpose: The ungrouted rip-rap upstream and adjacent to the drop structure needs to be lowered by 12- to 24-inches to adhere to the U.S. Army Corps of Engineers requirements.

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7. Project Description:

In Fall 2012, the Los Angeles County Flood Control District (LACFCD) completed an emergency repair at Rubber Dam No. 4 on the San Gabriel River under a Regional General Permit 63. The emergency project included removal of rip-rap from a failing drop structure upstream of the Rubber Dam, construction of a jet grout column wall, and then return of the rip-rap to the drop structure.

After the emergency repair, it was discovered that the rip-rap was placed 12 to 24 inches too high which could contribute to erosion along the levees of the river. This project will entail removal of the rock rip-rap, regrading the area to lower the ground below the drop structure by 12 to 24 inches and then replacement of the rip-rap. Approximately 1200 CY of rip-rap will be temporarily removed and then replaced. Approximately 740 CY of soil will be removed and then dispersed in the gaps of the replaced rip-rap.

The area of rip-rap is 200 ft. (the full width of the river) by 50 ft. The area needed for access and staging also crosses the full length of the river (200 ft.) by 150 ft. Equipment will enter through an access ramp next to the project site.

Water for spreading operations will be directed away from the work area by upstream facilities, including Whittier Narrows Dam, other upstream rubber dams, and the Zone 1 Ditch. Although no work is anticipated in wetted areas; a combination of shaker plates, water trucks, and sand bags will be used to limit mud and dust from leaving the site that could later find its way into downstream reaches of the river.

Equipment that may be used for the work include backhoes, loaders and dump trucks. All equipment that accesses the channel will be cleaned in compliance with a 'Permit to Operate and Move Soil/Vegetative Matter From Alligatorweed Quarantine Area.'

This work will be done in concurrence with the annual soft-bottom channel clearing to minimize impacts.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
NWP No. 31 (Permit No. 2014-00506-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(d)(e) *Existing Facilities*. Los Angeles County Flood Control District filed a Notice of Exemption with the Los Angeles County Clerk on June 17, 2014.
11. Receiving Water: San Gabriel River Reach 2 (Firestone Boulevard to Whittier Narrows Dam), Hydrologic Unit Code: 180701060606
12. Designated Beneficial Uses: MUN*, IND, PROC, GWR, REC-1, REC-2, WARM, WILD, RARE, MIGR, SPWN, SHELL, WET

*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.92 temporary acres (200 linear feet).
14. Related Projects Implemented/to be Implemented by the Applicant: LACFCD is in concept phase for plans to rehabilitate the rip-rap at the downstream of all the drop structures in Reach 40 which is also in the San Gabriel River, to prevent future possible undermining of drop structures caused by hydraulic head differential. Reach 40 is included in LACFCD's Waste Discharge Requirements R4-2010-0021 for soft-bottom channel clearing.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Work will be conducted in the late September or early October to avoid bird nesting season and the beginning of storm season.
 - A qualified biologist with appropriate background will conduct pre-construction survey prior to beginning of construction work.
 - The work will be scheduled concurrently with the annual soft-bottom channel vegetation clearing.

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- The area of work will not extend beyond the limits of the existing soft-bottom channel clearing permit (Order No. R4-2010-0021).
- No equipment will be staged in the channel.
- All equipment that accesses the channel will be cleaned and inspected by a representative of the Los Angeles Department of Agricultural Commissioner in compliance with the Alligator Weed Quarantine Area.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project (no material will be added or removed, only redistribution of material) and the location of the project within a channel authorized for vegetation and sediment removal under separate Waste Discharge Requirements.

17. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature, and are entirely within a maintained reach, the Regional Board will not require any additional compensatory mitigation.

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. 14-083

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.
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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Conditions of Certification File No. 14-083

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. 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.

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14. 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.
15. 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.
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 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.
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:
 - 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.

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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 restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species if appropriate. Restored areas shall be monitored and maintained with native species as necessary for five years.
20. 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 or until project 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. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including 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.

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21. The Applicant shall notify this Regional Board in writing upon the completion of the project. In the event the project ends prior to an Annual Report, or between Annual Reports, the information listed in Condition 20 above shall be included in a 'Final Report' accompanying the project completion notice.
22. 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.
23. 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)"

24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-083**. Submittals shall be sent to the attention of the 401 Certification Unit.
25. 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.