



Los Angeles Regional Water Quality Control Board

Ms. Elizabeth Lun
Metrolink
1 Gateway Plaza, 12th Floor
Los Angeles, CA 90012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 9394

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED METROLINK CTO-62 BRIDGE REPLACEMENT PROJECT (Corps' Project NWP 14 NON-NOTIFYING), LOS ANGELES RIVER REACH 6, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 15-056)

Dear Ms. Lun:

Board staff has reviewed your request on behalf of Metrolink (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 12, 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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

Sept. 1, 2015
Date

DISTRIBUTION LIST

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HDR Engineering, Inc.
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ATTACHMENT A

Project Information
File No. 15-056

1. Applicant: Elizabeth Lun
Metrolink
1 Gateway Plaza, 12th Floor
Los Angeles, CA 90012

Phone: (909) 593-6419
2. Applicant's Agent: Ingrid Eich
HDR Engineering, Inc.
3230 El Camino Real
Irvine, CA 92602

Phone: (714) 730-2389 Fax: (714) 730-2301
3. Project Name: Metrolink CTO-62 Bridge Replacement
4. Project Location: Santa Clarita, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.420328	118.500014
34.419978	118.499949
34.419845	118.500999
34.333501	118.506218
34.333538	118.505994
34.331561	118.505094
34.331526	118.505206

5. Type of Project: Railroad bridge replacement
6. Project Purpose: Bridge 26.42 is a rail stringer superstructure with concrete headwalls and supported on concrete piers. It spans 27-feet across a concrete-lined drainage channel. The bridge was erected in 1935 and has been observed to have cracks on the west abutment and spalling on all piers and rail top. On the east end, the concrete apron shows evidence of scour and has begun to undermine piers. The proposed project is being undertaken to accommodate the future operation, increase safety and reduce future maintenance work.
7. Project Description: Bridge 26.42 is located at or near mile post 26.42, near the I-5 and SR-14 Interchange. The proposed project covers a 0.31-mile long area running along the railroad tracks for Bridge 26.42. It is in the

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Newhall Pass area of Santa Clarita and is located underneath the overpass of Sierra Highway where it connects to The Old Road. The project is located within the Los Angeles River Watershed.

Five new smooth steel pipe (SSP) culverts are proposed, each being 72" diameter with 1'-6" minimum cover (B/rail to T/pipe) per Metrolink/Southern California Regional Railroad Authority (SCRRA) structure standards. Since the channel is fairly shallow, the bottom of the SSP culverts will need to be buried about 1'-6" in order to maintain minimum cover. In addition, the footprint of the culverts will be wider than the existing bridge in order to closely match existing flow capacity. The proposed culvert opening is slightly larger in square footage than the existing bridge opening. Cast-in-place concrete headwalls will be installed on the upstream and downstream ends of the culvert pipes. Based on preliminary design work, it is anticipated that approximately 162 cubic yards of bedding material will be placed below the culverts.

The upstream and downstream open channel structures will need to be removed and modified to transition the channel into and out of the proposed culvert pipes. In addition, the channel will need to be widened to closely match the proposed culvert layout width. This will include revisions to the channel bottom and channel walls.

During construction, SCRRA will monitor the amount of sediment that will be removed below Bridge 26.42. This data will be provided to RWQCB within 30 days from the completion of construction activities to estimate the amount of sediment that could accumulate annually after construction is completed. In addition, SCRRA plans on providing annual bridge maintenance (e.g. sediment and vegetation removal) during the 5-year duration of the Section 401 Water Quality Certification permit. Bridge maintenance, such as sediment and vegetation removal, will only occur within the area permitted for impacts (i.e., concrete-lined portions of the channel below and adjacent to Bridge 26.42).

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 14 (Non-notifying)
9. Other Required California Department of Fish and Wildlife
Regulatory Approvals: Streambed Alteration Agreement

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10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to CEQA Section 15301, Existing Facilities.
11. Receiving Water: Unnamed tributary to the Los Angeles Reservoir, (Hydrologic Unit Code: 180701050204)
12. Designated Beneficial Uses: MUN, IND, PROC, GWR, REC-1, REC-2, WARM, WILD, RARE
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.03 temporary acres (53 linear feet) and 0.002 permanent acres (10 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:
- ESA fencing will be placed along the perimeter of the identified construction area. Work areas will be marked clearly in the field and confirmed by the project biologist prior to any clearing, and the marked boundaries will be maintained throughout the duration of the work. Staging areas, including lay down areas and equipment storage areas will be flagged and fenced with ESA fencing.
 - No work activities, materials or equipment storage or access will be permitted outside of the work area. All parking and equipment storage related to the Project will be confined to the construction area. Undisturbed areas and off-site species habitat will not be used for parking or equipment storage. Project-related vehicle traffic will be restricted to the railroad, established roads, construction areas, storage areas, and staging and parking areas.
 - No fuel containers or hazardous materials will be placed or stored outside of the designated staging area(s). Vehicle and equipment refueling will occur within the designated staging

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area(s), but at least 20 feet from open water areas.

- Any fuel containers, repair materials including creosote-treated wood, and/or stockpiled material that is left on site overnight will be secured in secondary containment within the construction area and staging/assembly area and covered with plastic at the end of each work day.
- All equipment will be maintained in accordance with manufacturer's recommendations and requirements.
- Equipment and containers will be inspected daily for leaks.
- If maintenance of equipment must occur on-site, within all areas, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks. Maintenance of equipment will occur at least 25 feet from open water areas.

17. Proposed Compensatory Mitigation:

The Applicant has proposed to restore 0.028 acres of temporary impacts to waters of the U.S. at Bridge 26.42 to its pre-construction contours. In addition, the concrete channel wall will be pulled back, which will create an additional 0.002 acres of waters of the U.S.

18. Required Compensatory Mitigation:

The Regional Board will not require any additional compensatory mitigation, beyond what is proposed above, as the activities will be occurring within a concrete-lined channel and there will no impacts to sensitive species' habitat.

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STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved Construction Plan, 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. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0003-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.

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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.
14. 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.
15. 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.
16. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
17. 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

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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.

18. 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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
19. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.028 acres** waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.028 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.002 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.002 acres**). 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.
 - (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 project activities which take place within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

20. 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 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;

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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 and answered appropriately whether or not mitigation has been performed:

- (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 an easy to interpret 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.
21. 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.
22. 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

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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)"

23. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-056**. Submittals shall be sent to the attention of the 401 Certification Unit.
24. 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.
25. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. 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.
26. 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.
27. 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

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authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

28. *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.

29. 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.

