



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

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

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7008 1140 0002 8671 9899

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED EATON WASH DAM SPILLWAY ACCESS RAMP PROJECT (Corps' Project No. SPL-2009-00633-MAS), EATON WASH, CITY OF PASADENA, LOS ANGELES COUNTY (File No. 15-049)**

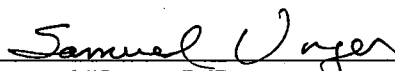
Dear Ms. Patricia Wood:

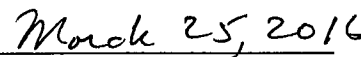
Board staff has reviewed your request on behalf of the Los Angeles County Flood Control District for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 2, 2016.

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, P.G., Section 401 Program, at (213) 576-5733.

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

  
\_\_\_\_\_  
Date

## DISTRIBUTION LIST

Belinda Kwan  
Los Angeles County Flood Control District  
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U.S. Fish and Wildlife Service  
2177 Salk Avenue  
Carlsbad, CA 92008

**ATTACHMENT A**

**Project Information**  
**File No. 15-049**

1. Applicant: Ms. Patricia Wood  
Los Angeles County Flood Control District  
900 South Fremont Avenue  
Alhambra, CA 91803  
  
Phone: (626) 458-6131 Fax: (626) 979-5436

2. Applicant's Agent: Belinda Kwan  
Los Angeles County Flood Control District  
900 South Fremont Avenue  
Alhambra, CA 91803  
  
Phone: (626) 458-6175 Fax: (626) 979-5436

3. Project Name: Eaton Wash Dam Spillway Access Ramp

4. Project Location: Pasadena, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34°10'7.11"	118°5'31.01"
34°10'8.04"	118°5'31.32"
34°10'8.14"	118°5'31.71"
34°10'7.02"	118°5'31.36"
34°10'8.05"	118°5'31.40"
34°10'8.23"	118°5'31.42"
34°10'7.99"	118°5'31.67"
34°10'7.11"	118°5'31.01"

5. Type of Project: Access ramp construction

6. Project Purpose: The proposed project, the Eaton Wash Dam Spillway Access Ramp Project (Project) will provide vehicle access for improved maintenance of Eaton Wash Dam and for dam safety inspections.

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#### 7. Project Description:

The project location is the Eaton Wash Dam and Reservoir, located on New York Drive in Pasadena, California. The Eaton Wash Dam and Reservoir is a flood control and water conservation facility that captures water during the storm season. The storm water is later released and sent to downstream spreading grounds to replenish local groundwater. Operations at this facility, contribute toward a local sustainable water supply.

The Eaton Wash Dam Outlet Works Rehabilitation and Channel Improvements Project involved multiple dam improvement and maintenance activities, which were completed in March 2014. The Outlet Works project also included modifications to the Eaton Wash Channel. A Section 401 Water Quality Certification (File No. 09-154) for the Outlet Works project was issued on April 29, 2010 and was in effect until April 29, 2015.

#### Outlet Works Rehabilitation

1. Install an approximately 1,730-square-foot concrete slab directly upstream from the Eaton Dam intakes. This task was completed in August 2013.
2. Replace trash racks upstream of Eaton Dam. This task was completed in August 2013.

#### Channel Modification

3. Replace flashboard system inside the inlet channel with a 5-foot-high by 5-foot-long gate. This task was completed in March 2014.
4. Remove the existing concrete vehicle access slab within the channel and replace it with a removal, 10-foot-wide by 13-foot-long metal grate. This task was completed in March 2014.

An access ramp from the channel to the spillway was proposed as a part of the Outlet Works project; however, construction for this component was delayed due to the necessity of obtaining a permit under 33 USC section 408 (Section 408 permit). The US Army Corps of Engineers issued the Section 408 permit on September 21, 2015. This portion of the project has been renamed the Eaton Wash Dam Spillway Access Ramp Project.

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### Project Information File No. 15-049

The Project will provide vehicle access for improved maintenance of Eaton Wash Dam and will aid in dam safety inspections.

The project will construct a 16-foot-wide by 111-foot-long access ramp from the channel to the spillway.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 30 (Permit No. SPL-2009-00633-MAS)
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 15302 Replacement or Reconstruction.
11. Receiving Water: Eaton Wash (Hydrologic Unit Code: 180701050301)
12. Designated Beneficial Uses: MUN\* , GWR, REC-1, REC-2, WARM, WILD  
\*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.05 permanent and 0.07 temporary acres (111 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Eaton Wash Dam Outlet Works Rehabilitation and Channel Improvements Project, Section 401 Water Quality Certification (File No. 09-154), was completed in March 2014.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The project sites are dry during dry weather condition. However; Public Works will employ Best Management Practices (BMPs) to ensure that no degradation of water quality occurs beyond the proposed project area as a result of construction activities.

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### Project Information

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- Public Works will immediately cleanup any spills that do occur, and immediately notify appropriate agencies if spill is significant or polluted.
- Work sites will be clearly flagged or staked if there are adjacent natural habitats or sensitive areas.
- Staging/Storage areas for equipment and materials will be located outside of all waters.
- Prior to ground disturbance activities, qualified biologist will conduct a biological preconstruction survey and a bird nesting survey if construction falls within bird nesting season.
- Trash, debris, and refuse will be removed and disposed of accordingly to local waste refuse programs.
- Construction/Installation will occur during clear weather forecasts.
- If Project activities occur during the rainy season (October 15 through April 15), a Surface Water Diversion Plan will be provided by the contractor and will be designed to minimize impacts to sensitive resources based on field conditions at the time of implementation. The final dewatering and surface water diversion plan will be provided to the regulatory agencies prior to implementation.
- All vehicles including equipment will be maintained and checked prior to entering the worksite, to ensure no oil, petroleum byproducts, and/or exotic specimen will enter the streambed.
- Concrete removal management will be implemented to properly dispose of concrete.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed compensatory mitigation.

18. Required  
Compensatory  
Mitigation:

The Regional Board will not require compensatory mitigation because the project has only temporary impacts within a completely concrete-lined area.

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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. 15-049

#### STANDARD CONDITIONS

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

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

#### ADDITIONAL CONDITIONS

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

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



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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. 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. 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.
17. 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.
18. All project/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.
19. 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

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### Conditions of Certification File No. 15-049

- 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.

20. 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.
21. The Applicant shall submit to this Regional Board a **Final Reports** (Final Report) within 60 days of project completion. The Final Report shall describe in detail all of the project activities performed and all restoration and mitigation efforts. At a minimum the Final Report 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) Copies of all permits revised as required in Additional Condition 1;
  - (d) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
  - (e) A certified Statement of "no net loss" of wetlands associated with this project;
  - (f) Discussion of any monitoring activities and exotic plant control efforts; and
  - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

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Conditions of Certification  
File No. 15-049

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 **15-049**. Submittals shall be sent to the attention of the 401 Certification Unit.
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.
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

## ATTACHMENT B

### Conditions of Certification File No. 15-049

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 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.