



Los Angeles Regional Water Quality Control Board

Mr. Edward Dingman
County of Los Angeles Dept. of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6240

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED ELIZABETH LAKE ROAD AT MILE MARKER 16.09 PROJECT (Corps' Project No. SPL-2015-00532-JMV), UNNAMED TRIBUTARY TO ELIZABETH LAKE, TRIBUTARY TO SANTA CLARA RIVER, LEONA VALLEY, LOS ANGELES COUNTY (File No. 15-174)

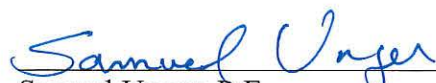
Dear Mr. Dingman:

Board staff has reviewed your request on behalf of County of Los Angeles Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 30, 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, Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer

Oct. 20, 2016
Date

DISTRIBUTION LIST

Janea Russell
County of Los Angeles Dept. of Public Works
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State Water Resources Control Board
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U.S. Fish and Wildlife Service
2177 Salk Ave.
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ATTACHMENT A

**Project Information
File No. 15-174**

1. Applicant: Mr. Edward Dingman
County of Los Angeles Dept. of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331

Phone: (626) 458-3933 Fax: (626) 458-3179

2. Applicant's Agent: Janea Russell
County of Los Angeles Dept. of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331

Phone: (626) 458-5957 Fax: (626) 458-3179

3. Project Name: Elizabeth Lake Road at Mile Marker 16.09

4. Project Location: Leona Valley, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.658857	-118.377037
34.658808	-118.377032
34.658745	-118.377016
34.658673	-118.376993
34.658621	-118.377336
34.658657	-118.377343
34.658697	-118.377207
34.658829	-118.377235

5. Type of Project: Road Maintenance

6. Project Purpose: The proposed project (Project) is road maintenance and safety improvements.

7. Project Description: The proposed project is located in the County of Los Angeles unincorporated community of Leona Valley. The Lahontan Regional Water Quality Control Board (Lahontan Region) has

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provided authorization for Project work within the Lahontan Region.

The road maintenance consists of constructing one and one-half inches of asphalt rubber hot mix (hot asphalt) over four inches of cold-in-place recycled asphalt concrete pavement (cold asphalt) along Elizabeth Lake Road between 2453 feet west of Munz Ranch Road to 2095 feet east of Bouquet Canyon Road. The project also includes the installation of guardrails and concrete barriers, in addition to the reconstruction of portions of approximately 54 driveways to match the new finished pavement surface.

Three culverts along Elizabeth Lake Road will be modified as part of the project including reconstruction of existing headwalls, installation of horizontal trash racks, installation of corrugated metal pipe extensions, and soil backfills to join existing ground. These culverts have headwalls that are within four feet of the edge of the travel way and have at least a four-foot drop behind them. Two of the culverts are in the Lahontan Region and one is in the Los Angeles Region. All work will occur within existing right-of-way. Staging areas will not be located within waters of the state or U.S.

The Los Angeles Region culvert is at Elizabeth Lake Road at Mile Marker (MM) 16.09. The work proposed at this existing culvert consists of removing the top of the existing headwalls at both the inlet and outlet to a height of three-inches above the existing ground. Three trash racks will be installed over the area upstream of the inlet. A guardrail will be installed along the roadway above the existing culvert.

The Project is expected to take approximately 120 total days, which may not be continuous.

- | | |
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| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 14 (Permit No. 2015-00532-JMV) |
| 9. Other Required
Regulatory Approvals: | California Department of Fish and Wildlife
Streambed Alteration Agreement |

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10. California Environmental Quality Act Compliance: The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities. The County of Los Angeles filed a Notice of Exemption with the Los Angeles City Clerk on April 28, 2016.
11. Receiving Water: Elizabeth Lake (Hydrologic Unit Code: 180701020301)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.001 temporary acres (21 linear feet).
14. 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.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Erosion from disturbed soil shall be prevented by implementing appropriate temporary soil stabilization BMPs, such as scheduling work during the non-storm season, diverting run-on, breaking up disturbed soil areas with linear barriers and covering erosion susceptible areas and stockpiles.
 - All sediments generated on the project shall be retained on site by installing and maintaining temporary barriers along the construction site perimeter such as silt fences, fiber rolls and gravel bag berms.
 - The Applicant will make sure the contractor will conduct construction during the non-storm season (April 15 to October 15).
 - The Applicant will prepare a Surface Water Diversion Plan that will provide details of the Surface Water Diversion System and water quality sampling procedures to this Regional Board for approval.

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- The Applicant will make sure the contractor will install a Surface Water Diversion System per the requirements of the Water Quality Certification.
- The Applicant will make sure the contractor will prevent wind erosion and dust control by covering and containing all stockpiles and apply water as needed to all disturbed soil areas and stockpiles to prevent wind erosion, dust nuisance and prevent sediment from leaving the construction site.
- The Applicant will make sure the contractor will prevent vehicle and equipment tracking of sediment and other debris onto paved surfaces and from entering the streambed or watercourses by constructing a stabilized construction entrance and exit at all vehicle and equipment access points to the streambed.
- The Applicant will make sure the contractor will conduct street sweeping as required.
- The Applicant will make sure the contractor will retain all non-storm water (such as oils, vehicle fluids, etc.) on the construction site and prevent from discharging to the ground surface or entering the streambed.
- The Applicant will make sure the contractor will implement the following good housekeeping practices to prevent non-storm water discharges:
 - The Applicant will make sure the contractor will inspect the project site for illicit connections, illegal discharge, and illegally dumping caused by other parties.
 - The Applicant will make sure the contractor shall clean up and take waste to a legal point of disposal.
 - On-site vehicle and equipment fueling shall only be used where it's impractical to send vehicles and equipment off-site for fueling.
 - If fueling is conducted on-site, the contractor will have a dedicated fueling area.
 - The dedicated fueling area will be protected with berms and located

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on the existing paved roadway, at least 50 feet from the streambed and watercourses.

- Fueling must be performed on level-grade areas.
- Drip pans or absorbent pads will be used during vehicle and equipment fueling or maintenance to prevent oil, grease, or fuel from leaking on to the ground.
- Absorbent spill clean-up materials and spill kits will be available in fueling area and shall be disposed of properly after use.
- Routine vehicle and equipment maintenance will not be conducted on the project site, and the Applicant will make sure the contractor will use off-site maintenance facilities.
- Emergency vehicle and equipment maintenance may be required, in cases where it is impracticable to transport a vehicles or equipment off-site.
- In cases when emergency vehicle and equipment maintenance maybe required, the Applicant will make sure the contractor will have a dedicated maintenance area that is protected with berms and shall be located at least 50 feet from the streambed and watercourses.
- No vehicle or equipment cleaning will be allowed on project site.
- The Applicant will make sure the contractor will protect construction-related materials and waste from contact with precipitation and run-on and runoff.
- Spills, leaks or residues shall be cleaned up immediately and all materials and waste shall be prevented from coming in contact with water or from being discharged to the ground or to the streambed.
- The Applicant will make sure the contractor shall not store materials or waste in the streambed.
- The Applicant will make sure the contractor shall train employees and subcontractors on the proper material delivery and storage practices.

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- Stored chemicals will be placed in sealed containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
- All spills shall be cleaned up immediately and disposed of properly off-site.
- All stockpiles shall be covered and protected with a temporary perimeter sediment barrier on a year-round basis.
- Stockpiles shall be located at least 50 feet from the streambed and watercourses.
- The contractor shall provide covered and watertight dumpsters or containers of sufficient size and numbers to contain the solid waste generated on the construction site including waste generated by the public.
- The Applicant will make sure the contractor shall keep waste disposal containers covered at all times.
- Concrete washout areas and other washout areas shall not discharge or leak onto the underlying soil or to the surrounding areas.
- Temporary concrete washout facilities shall be located a minimum of 50 feet from the streambed, unless determined infeasible by the Engineer.
- The Applicant will make sure the contractor ensures the containment of sanitation facilities (such as portable toilets) to prevent discharges of pollutants to the ground surface, storm water drainage system or receiving water.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed compensatory mitigation.

17. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature and located within a concrete lined channel, the Regional Board will not require any additional compensatory mitigation.

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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. 15-174

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, 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. 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.

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.

17. All project 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 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, dates, 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)

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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.

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; 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 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;

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- (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 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 **15-174**. Submittals shall be sent to the attention of the 401 Certification Unit.

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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 applicable provisions of 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.
26. 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.
27. 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.
28. 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.
29. *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

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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.
30. 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.