



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Salem Garawi
City of Los Angeles, Bureau of Engineering
1149 S. Broadway, 6th Floor
Los Angeles, CA 90015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0083

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED ARGO DRAIN SUB-BASIN FACILITY PROJECT (Corps' Project No. 2016-00342-JMV), ARGO DRAIN TRIBUTARY TO PACIFIC OCEAN, CITY OF LOS ANGELES, LOS ANGELES (File No. 16-057)

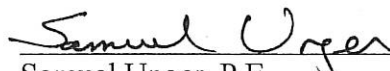
Dear Mr. Garawi:

Board staff has reviewed your request on behalf of City of Los Angeles, Bureau of Engineering (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 13, 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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

8-11-16

Date

DISTRIBUTION LIST

Ryan Villanueva (via electronic copy)
Sapphos Environmental, Inc.
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WRT-2-4
75 Hawthorne Street
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G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Avenue
Carlsbad CA 92008

ATTACHMENT A

**Project Information
File No. 16-057**

1. Applicant: City of Los Angeles, Bureau of Engineering
1149 S. Broadway, 6th Floor
Los Angeles, CA 90015

Phone: (213) 847-0345
2. Applicant's Agent: Ryan Villanueva
Sapphos Environmental, Inc.
430 North Halstead Street
Pasadena, CA 91107

Phone: (626) 683-3547 x115 Fax: (626) 683-3548
3. Project Name: Argo Drain Sub-Basin Facility
4. Project Location: City of Los Angeles (Los Angeles International Airport), Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.95052429	118.4324597
33.95052953	118.4324099
33.95053916	118.4324111
33.95058809	118.431846
33.95058262	118.4318453
33.95058424	118.4317626
33.95058278	118.4317562
33.95057971	118.4317572
33.95057174	118.4316998
33.95057084	118.4316477
33.95052242	118.4316471
33.95050597	118.4317582
33.95037841	118.4317328
33.95029798	118.4325786
33.95038225	118.432589
33.95039342	118.4323935
33.95044476	118.4318001
33.95046512	118.4319445
33.95048705	118.4321002
33.95048512	118.4321
33.95045901	118.4324017
33.95040916	118.4325935
33.95050921	118.4326028
33.9505208	118.4324928

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5. Type of Project: Water diversion facility construction
6. Project Purpose: The Argo Drain Sub-Basin Facility Project is an important part of the City of Los Angeles' overall compliance strategy for the Los Angeles World Airport to improve the quality of stormwater runoff and comply with the Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (TMDL) as well as the Municipal Separate Storm Sewer System (MS4) Permit. The amount of stormwater runoff to be treated is approximately 2,320 acres that currently discharges to Dockweiler Beach. The Project is funded by Proposition O, an initiative approved by the City voters in November 2004.
7. Project Description: The proposed project will develop a water diversion facility that will be part of a water quality enhancement project that captures and cleans storm water runoff flowing through the Argo Ditch during heavy rain events, pumping it off the airfield and allowing it to percolate in underground infiltration galleries. The project is associated with the Los Angeles, International Airport (LAX) Northside Plan Update.

As part of the project, the creation of a water diversion structure, wet well, pump station and infiltration gallery will be undertaken. The water diversion facility will be placed within a 0.02 acre (85 linear feet) soft-bottom channel section of the nearly two-mile long Argo Ditch. The remaining elements will be located in upland areas north of the water diversion structure.

The facility will only capture water during heavy flow events typically caused by storm events and will only divert a portion of the storm water. The remaining water will flow past the facility and continue on its path downstream to the Pacific Ocean.

In order to install the concrete water diversion structure, the ditch will need to be excavated and compacted with heavy machinery (backhoe, scrapers, front-end loader, dump truck, water truck, concrete truck). Additional equipment may include maintenance vehicles, pickup trucks, lowboy tractor trailer, grader, and roller. Once the ditch is prepared, a concrete truck will pour the diversion structure. Any remaining soils will be used to fortify the concrete water diversion structure throughout its length.

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8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 43 (Permit No. 2016-00342-JMV)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The City of Los Angeles approved the project's Final Environmental Impact Report on October 7, 2015.
11. Receiving Water: Dockweiler Beach (Hydrologic Unit Code: 180701040500)
12. Designated Beneficial Uses: IND, AGR, GWR, FRSH, NAV, REC-1, REC-2, COMM, AQUA, SAL, MAR, WILD, SPWN
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.02 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Work completed on the Runway 6L-24R and Runway 6R-24L Runway Safety Area and Associated Improvements Project in 2015 included the covering of 720 linear feet of the eastern end of the Argo Ditch.
- The Argo Ditch Maintenance Project: under the Argo Ditch Maintenance Project, the Argo Ditch will be subject to routine maintenance such as vegetation removal to prevent wildlife attractants, which pose a potential safety hazard to nearby aircraft operations (i.e., potential aircraft-bird strikes). Proponents of the Argo Ditch Maintenance Project will apply for separate permits beginning in 2016 regarding impacts to jurisdictional waters under Sections 401 and 404 of the Clean Water Act and Section 1600 of the California Department of Fish and Game Code.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Mitigation measures will be implemented to prevent sediment from entering the watercourse.

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- Work within the channel will be confined to the dry, summer months to avoid rain events.
- Excess soils will be removed from site and disposed of in an appropriate manner.
- After construction of the project is complete, the impact area will be cleaned up and restored to facilitate operational activities. All waste, debris, and construction equipment will be removed from the project site.
- The following additional measures may be implemented as part of project activities: erosion and sediment control best management practices, water diversion plan, scheduling, wind erosion control, water conservation, solid waste management, sanitary waste management, liquid waste management, straw mulch, geotextiles and mats, silt fence, or other highly visible material along boundary / areas of disturbance, and fiber rolls around stockpiles.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed enhance 0.02 acres offsite and to convert 0.04 acres of impervious surface to pervious surface offsite for the permanent impacts of 0.02 acres.

Mitigation for impacts to 0.02 acre of disturbed/annual brome grassland is proposed to include the enhancement and/or restoration (rehabilitation and/or re-establishment) of native grassland habitat at an off-airport/off-site location. This will be accomplished through payment into an Army Corps approved mitigation program within the Santa Monica Bay Watershed.

In addition, mitigation for impacts within the Argo Ditch is proposed to include the conversion of an existing off-site/off-airport paved impervious surface to an earthen bottomed pervious surface, which would replace the filtration and recharge processes currently occurring in the portion of the Argo Ditch anticipated to be impacted. This conversion of impervious to pervious surface will be conducted at a location preferably owned or managed by the City of Los Angeles and will be located within the Santa Monica Bay watershed or as

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close to the watershed as possible.

18. Required
Compensatory
Mitigation:

The Regional Board will require compensatory mitigation for permanent impacts associated with the project at a ratio of 1:1. The mitigation shall consist of riparian habitat enhancement and/or restoration. In addition, the applicant will convert 0.04 acres of an existing off-site/off-airport paved impervious surface to an earthen bottomed pervious surface, which will replace lost filtration and recharge processes.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification

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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, 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.
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. 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.
13. 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.

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14. 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.
15. 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.
16. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. A summary of the analyses and compliance above shall be included. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

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17. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.02 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.02 acres**). The mitigation site shall be located within the Santa Monica Bay Watershed unless otherwise approved by this Regional Board. 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.

18. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.02 acres** of streambed riparian habitat within waters of the United States, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Santa Monica Bay Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
 - (b) 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.
 - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (d) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any disturbance 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.

19. In addition, the applicant will convert 0.06 acres of an existing off-site/off-airport paved impervious surface to an earthen bottomed pervious surface, which will replace lost filtration and recharge processes.
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

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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 and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
- (f) A certified Statement of "no net loss" of wetlands associated with this project;
- (g) Discussion of any monitoring activities and exotic plant control efforts; and
- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

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 **16-057**. 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 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:*

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- (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.