

Los Angeles Regional Water Quality Control Board

Mr. Rudy Lee
Los Angeles County Flood Control District
900 S. Fremont Avenue, Annex 2nd Floor
Alhambra, CA 91803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9377

**WATER QUALITY CERTIFICATION FOR PROPOSED SAN GABRIEL RIVER
EMERGENCY INVERT REPAIR PROJECT (Corps' Non-Notify), SAN GABRIEL
RIVER, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 12-105)**

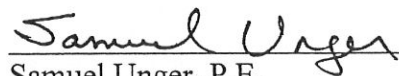
Dear Mr. Lee:

Board staff has reviewed your request on behalf of Los Angeles County Flood Control District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 21, 2012.

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.

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, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

9-21-12

Date



DISTRIBUTION LIST

Ms. Jemellee Cruz (via electronic copy)
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Brock Warmuth (via electronic copy)
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Shannon Pankratz (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Paul Amato (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

Project Information File No. 12-105

1. Applicant: Mr. Rudy Lee
Los Angeles County Flood Control District
900 S. Fremont Ave
Alhambra, CA 91803

Phone: (626) 458-4145 Fax: (626) 458-4150
2. Applicant's Agent: Ms. Jemellee Cruz
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

Phone: (626) 458-4170 Fax: (626) 458-4150
3. Project Name: San Gabriel River Emergency Invert Channel Repair
4. Project Location: City of Long Beach, Los Angeles County
5. Type of Project: Channel Repair
6. Project Purpose: The purpose of the proposed project is to repair and replace a section of existing concrete-lined channel invert with minor modification, and replacement of existing damaged sections of riprap levee.
7. Project Description: There proposed project consist of several components:

Invert
A new invert and subdrain system will be constructed on each of the concrete side slopes of the San Gabriel River. Currently, the concrete is tilting/sliding and settlement of concrete structures has occurred.

A 2-foot wide section of concrete invert slab across the entire width of the channel between between the existing pile cap and the subdrain manholes will be removed. The new subdrain system will be constructed behind new steel piles and connect the existing subdrain manholes.

A combined temporary cofferdam (with interlocking steel plates) and temporary portadam system or similar inflatable dam is the most feasible option for water diversion during project construction.

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Pile driving hammer and construction crane will be used for cofferdam construction immediately downstream of the existing damaged sheet pile during low tide interval. The portadam will be constructed on the concrete channel.

This portion of the project will take place within an estimated 40 working days, weather permitting.

During the low tide interval, the temporary cofferdam and portadam system, or similar inflatable dam, will be removed from the project site by a construction crane after placement of the ungrouted riprap downstream of the concrete-lined channel section has been completed.

Erosion/Bank Failure

The existing damaged riprap levee will be reconstructed to its original designed grade and 69 feet of the scoured section downstream of the existing pile will be filled with 1000 lb. and/or 250 lb. ungrouted riprap.

Riprap materials will be placed via the concrete-lined channel or the channel slopes. No equipment will be staged in the soft-bottom channel section. However, if the excavator cannot reach the end of the revetment area, a track loader will be used only during the low tide cycle to go over the top of newly placed riprap to deliver and drop riprap at the end of the revetment area.

Approximately 1200 cubic yards of ungrouted riprap will be used to replace existing damaged/displaced riprap levee section of the channel. During the low tide interval, the temporary cofferdam and portadam will be removed by a crane from the site upon project completion.

Work will be performed outside of the nesting bird season and any storm events. Prior to start of work, pre-construction biological surveys will be performed by qualified biologists to confirm presence/absence of potential special status wildlife and plant species. If present, the biologist will perform trapping of wildlife species prior to and/or flag special status plant species for avoidance during construction. Biological monitoring will be available on site as needed.

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8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP Nos. 3a & 3c
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Existing Facilities)
11. Receiving Water: San Gabriel River (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: MUN*, AGR, REC-1, REC-2, WARM, WILD, RARE
*Conditional beneficial use
13. Impacted Waters of the United States: Soft-bottom channel: 0.02 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: None
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Low flows will be diverted and tidal flows will be kept out of the work area.
 - BMPs will be implemented to minimize project sediment runoff and deposition. BMPs include but are not limited to: placing sandbags, installing desilting fences, setting up a bypass pipeline, and/or installing water diversion structures to prevent sediment from entering low flow areas.
 - A Surface Water Diversion Plan will be provided by the contractor and submitted to the regulatory agencies prior to the start of work. Surface water will be directed around the project site to ensure the work area remains dry.

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- Water diversion structures and bypass pipelines will be designed with sufficient capacity to divert high inflows caused by any possible storms. Should there be any storms during construction, work areas will be covered, any unfinished graded slopes will be stabilized before the contractor evacuates, and no equipment will be stored in the channel.
- Debris generated from construction activities shall be properly contained using appropriate BMPs. A dust and debris containment plan will be implemented.
- No oil and/or petroleum byproducts will be discharged into the streambed. Vehicles will be maintained and checked prior to entering the worksite.
- The contractor will be required to submit a certification of clean equipment to prevent noxious weeds and invasive species from entering the project site and to minimize or avoid impacts to biological resources.
- Prior to start of work, qualified biologists will perform pre-construction biological surveys. If any species status species are found, LACFCD will notify regulatory agencies and will implement appropriate avoidance measures per biologist's recommendations. During work, a biologist will also monitor and will be available on site, as needed.
- Work will be performed outside of bird nesting season.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any additional compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Regional Board will not require any additional compensatory mitigation, as this project is only to repair existing segments of a rip-rap lined channel. The soft-bottom portion of the channel will remain in its existing condition.

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. 12-105

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 Game's (CDFG) 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 CDFG'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. Please contact the Land Disposal Unit at the Regional Board for further information regarding the disposal of solid wastes.
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.

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13. 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. 2004-0008-DWQ and 2004-0009-DWQ.
14. 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.
15. If rain is predicted after operations have begun, activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
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. All project/construction/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

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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 the proposed **any 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall submit to this Regional Board a **Final Monitoring Report** (Final Report) before **January 1st** of the year following project completion. The Final Report shall describe in detail all of the project/construction activities performed during the previous year and all enhancement efforts; At a minimum the Final Report shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the enhancement areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (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

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- (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 **12-105**. 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. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related

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implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. 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. 2009-009-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:*
 - (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.

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- (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 prior to termination of this Certification if renewal is requested.

