



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental
Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown
Governor

Rudy Lee, Assistant Deputy Director
Los Angeles County Flood Control District
900 S. Fremont Ave., Annex Building 2nd Floor
Alhambra, California 91803

WATER QUALITY CERTIFICATION FOR PROPOSED DEVILS GATE DAM INTERIM MEASURES PROJECT (Corps' Project No. 2011-00516-CO), LOS ANGELES RIVER, CITY OF PASADENA, LOS ANGELES COUNTY (File No. 10-170)

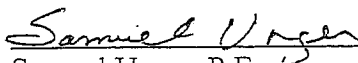
Dear Mr. Lee:

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 June 1, 2011.

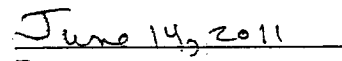
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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



Date

DISTRIBUTION LIST

Jemellee Cruz

Los Angeles Flood Control District
900 S. Fremont Ave., Annex Building 2nd Floor
Alhambra, California 91803

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

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

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

Eric Raffini (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. 10-170

1. Applicant: Rudy Lee, Assistant Deputy Director
Flood Maintenance Division
Los Angeles Flood Control District
900 South Fremont Ave.
Alhambra, California 91803
2. Applicant's Agent: Jemellee Cruz
Los Angeles Flood Control District
900 South Fremont Ave., Annex Building 2nd Floor
Alhambra, California 91803
Phone: (626) 458-4170 Fax: (626) 979-4150
3. Project Name: Devil's Gate Dam Interim Measures Sediment Removal Project
4. Project Location: Devil's Gate Reservoir, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.185304	118.173594
34.188164	118.172312
34.190485	118.171151
34.191744	118.172148
34.192399	118.175161
34.190342	118.177262
34.188164	118.178023
34.185300	118.175521

5. Type of Project: Sediment removal in Devils Gate Reservoir
6. Project Purpose: The intent of the proposed project is to remove sediment and provide dam maintenance within a limited area of the reservoir, next to the dam face.

In 2009, the Station Fire burned nearly 100% of the undeveloped watershed of Devil's Gate Reservoir, significantly increasing the watershed's debris runoff potential. The 2009-10 storm season resulted in the deposition of approximately 1,000,000 cubic yards of debris within the reservoir. This sudden debris accumulation buried the dam's sluice gate and threatens to block the other outlets and spillway ports. Additionally, the debris has reduced the reservoir's remaining volume to the point of no longer having capacity to

ATTACHMENT A

Project Information

File No. 10-170

safely contain another significant debris event. There is a risk of flooding and debris flows below the dam.

7. Project Description:

The proposed project consists of the following:

- Restoring the access road to the sluice gate in front of the dam.
- Replacing the existing wooden boom logs.
- Installing a new set of anchor points to allow safe and flexible anchoring of the boom logs.
- Annually removing up to approximately 25,000 cubic yards of sediment from the face of the dam.
- Modification of the existing trash rack to reduce the opening and extending it approximately 32 feet up to the spillway portholes.
- Installing 200 feet of new catwalk on the upstream face of the spillway, replacing 100 feet of damaged ladder system on the face of the dam.
- Modification of the existing Altadena West Storm Drain, which discharges into the east bank of the reservoir just upstream of the dam by adding a new blowoff outlet.

The area of sediment removal will be within approximately 100 feet of the dam face to minimize clogging and/or other impacts. The sediment removal area will not impact existing willow habitat within the reservoir. This interim sediment removal shall be conducted annually, while the long-term sediment removal activities will be determined with the development of a project EIR for the Devil's Gate Reservoir.

In order to avoid hauling sediment through the residential areas, the sediment will be placed within a 2.75 acre spreading ground area (City of Pasadena's Johnson's Field) as a temporary measure until the long-term sediment removal plan is developed. This 2.75-acre site is located on the northeastern side of the reservoir, approximately 1000 feet from the sediment removal area. Since the completion and approval date of the EIR is unknown, LACFCD may be required to remove stockpiled material from Johnson's Field, if necessary and on as-needed basis, to ensure that there's enough capacity at Johnson's Field for additional sediment removed from the face of the dam. Once an EIR is approved, the sediment placed in Johnson's Field will be removed. This spreading basin, also known as Johnson's Field (a baseball field), has not been

ATTACHMENT A

Project Information File No. 10-170

operated as a spreading basin for the last 25 years. The oak trees and willow trees will not be impacted within this area.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 31 (2011-00516-CO)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement 1600-2006-0204-R5
10. California Environmental Quality Act Compliance: The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Arroyo Seco Wash (upper) (Hydrologic Unit No. 405.32)
12. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, WARM, WILD, RARE, MIGR
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.55 permanent acres (170 feet by 140 feet sediment removal area)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Los Angeles County Flood Control District intends to continue regular maintenance of this flood control facility for the purpose of proper functioning of the flood control system. LACFCD is in the process of preparing an EIR for the long-term sediment removal activities within this reservoir.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The contractor will be required to follow Public Works Standard Specifications pertaining to project site maintenance and construction activities.
 - Construction will occur outside the rainy season.
 - Any trash, debris, refuse, and cleared vegetation will be removed and disposed of according to local waste refusal programs.
 - The equipment used during construction will not be stored in the

ATTACHMENT A

Project Information

File No. 10-170

streambed.

- The sediment removal areas will be dry during the time of construction.

17. Proposed
Compensatory Mitigation:

The Applicant has not proposed any compensatory mitigation, since the project activities will only remove sediment from the area adjacent to the dam face. This project is an interim sediment removal, which avoids the majority of the 50+ acre reservoir.

18. Required
Compensatory Mitigation:

The Regional Board will not require any compensatory mitigation for this interim sediment removal project. For future long-term sediment removal within other portions of the reservoir, compensatory mitigation will be required.

ATTACHMENT B

Conditions of Certification File No. 10-170

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.

ATTACHMENT B

Conditions of Certification

File No. 10-170

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 and/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.
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. 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

ATTACHMENT B

Conditions of Certification File No. 10-170

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. 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.
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.
17. 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.
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

ATTACHMENT B

Conditions of Certification File No. 10-170

- 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.

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. Restored areas shall be monitored and maintained with native species as necessary for five years. 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 **Project Monitoring Reports** by **January 1st** of the year following project completion. The Report shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts; including percent survival by plant species and percent cover. At a minimum the 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) 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;

ATTACHMENT B

Conditions of Certification
File No. 10-170

- (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 10-170. 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.

ATTACHMENT B

Conditions of Certification

File No. 10-170

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 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

ATTACHMENT B

Conditions of Certification

File No. 10-170

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 prior to termination of this Certification if renewal is requested.