



Matthew Rodriguez  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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



Edmund G. Brown Jr.  
Governor

Mr. Richard Mayer  
City of Los Angeles  
12000 Vista Del Mar, Suite 200  
Playa Del Rey, California 90293

### WATER QUALITY CERTIFICATION FOR PROPOSED HYPERION TREATMENT PLANT 5-MILE OUTFALL REBALLAST PROJECT (Corps' Project No. 2010-01081-KW), PACIFIC OCEAN, PLAYA DEL REY, LOS ANGELES COUNTY (File No. 10-150)

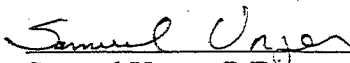
Dear Mr. Mayer:

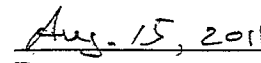
Board staff has reviewed your request on behalf of the City of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 13, 2011.

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

Richard Mayer  
City of Los Angeles  
12000 Vista Del Mar Suite 200  
Playa Del Rey, California 90293

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

Al Padilla (via electronic copy)  
California Coastal Commission  
200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

Gerry Salas (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. 10-150

1. Applicant: Richard Mayer  
City of Los Angeles  
12000 Vista Del Mar, Suite 200  
Playa Del Rey, California 90293  
Phone: (310) 648-6239 Fax: (213) 648-6155
2. Applicant's Agent: Richard Mayer  
City of Los Angeles  
12000 Vista Del Mar, Suite 200  
Playa Del Rey, California 90293  
Phone: (310) 648-6239 Fax: (213) 648-6155
3. Project Name: Hyperion Treatment Plant 5-Mile Outfall Reballast Project
4. Project Location: Playa del Rey (Pacific Ocean), Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.54718	118.31709
33.54039	118.31636

5. Type of Project: Ocean outfall rock ballast repair
6. Project Purpose: The purpose of the proposed project is to rehabilitate the Hyperion Treatment Plant (HTP) 5-mile rock outfall ballast. The outfall pipe is supported on the ocean floor with rock ballast along its length for protection from movement by hydrodynamic forces, erosion, currents, local scour and seismic forces. Additional rock is needed above the original rock, only due to the original elevation of the rock being lowered over time.
7. Project Description: The HTP 5-mile outfall was constructed in the late 1950's. The pipe consists of a 12-foot diameter reinforced concrete seabed pipeline with wall thickness of 10 to 15 inches and two layers of reinforced steel. Due to settlement of the original ballast into the seabed, in 2001 additional twelve (12) inches of ballast rock was placed between stations 69+56 and 91+30 of the outfall (station 0+00 is located at the intersections of Vista Del Mar at the eastern

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### Project Information File No. 10-150

property line and the outfall's centerline. The term "station" refers to a point on a baseline that is at a known distance, usually 100-feet from a starting point, referenced as 0+00).

The proposed project consists of adding ungrouted rock to designated areas along the last 3.5 miles of the outfall pipe within a linear length of 18,325 feet. Approximately 20,000 cubic yards will be applied at the designated areas on either side of the pipe. The rock will be dropped through a funnel structure, in order to ensure accurate placement and lessen turbidity.

The area on either side of the pipeline where the rock will be applied will be within 4 feet of the pipe. The rock will have side slopes of 1:1.5, vertically and horizontally; respectively. The placement of this rock should fully protect the outfall for up to 100 years.

- |  |  |
|--|--|
| 8. Federal Agency/Permit:                                  | U.S. Army Corps of Engineers<br>NWP No. 3 (Permit No. 2010-01081-KW)   |
| 9. Other Required<br>Regulatory Approvals:                 | California Coastal Commission<br>Coastal Development Permit<br>Federal Consistency Determination                                   |
| 10. California<br>Environmental Quality<br>Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction. |
| 11. Receiving Water:                                       | Pacific Ocean (Hydrologic Unit No. 405.12)   |
| 12. Designated Beneficial<br>Uses:                         | IND, NAV, REC-1, REC-2, COMM, MAR, WILD, SPWN,<br>SHELL, WET   |
| 13. Impacted Waters of the<br>United States:               | Ocean: 20.00 permanent acres   |
| 14. Dredge Volume:   | None   |

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15. 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.

16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Strict control methods of rock placement are to be utilized by contractor such as rock box or tremie system.
- City will work 24-hours a day to reduce the overall duration of the construction.
- Rock piles will be wetted down to minimize airborne rock dust during placement.
- Rocks will not be dropped higher than 10-feet above the outfall structure.
- Best Management Practices to contain and minimize the spread of any construction-related turbidity plume resulting from the project.
- The discard of construction and trash debris into the ocean will be prohibited.
- All construction-related equipment and fuel operation equipment will be maintained in good working order to minimize the potential for hazardous waste spills. Current hazardous material spill prevention and cleanup plans will be maintained on site.
- Pre-and-post construction surveys for eelgrass and invasive algae will take place, as well as construction-period water quality monitoring to ensure that water quality is being maintained during the construction period.

17. Proposed Compensatory Mitigation: The Applicant has not proposed any compensatory mitigation, as the project will be rehabilitating the existing structure. The proposed improvements will be an in-kind replacement within the previous original project footprint.

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18. Required  
Compensatory  
Mitigation:

The Regional Board will not require any additional compensatory mitigation, since the project impacts will be within the original design footprint.

*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. 10-150

#### 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 Coastal Commission Permit. **These documents shall be submitted prior to any discharge to waters.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the California Coastal Commission, 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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### Conditions of Certification

#### File No. 10-150

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 (213) 620-6119 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.



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### Conditions of Certification File No. 10-150

13. 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.
14. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary. All other sampling shall take place in the vicinity of the rock placement (4 locations total) at surface and at depth, if appropriate. Monitoring for the following shall be included:
- pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids (TSS)
  - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

**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. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

15. 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 water quality impacts from areas associated with this project.
16. The Applicant shall submit to this Regional Board a Final Project **Monitoring Report** (Final Report) by **January 1<sup>st</sup>** of the year following project completion. The Annual Reports shall describe in detail all of the project/construction activities performed during the

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previous year and all restoration efforts. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation before, during and after project construction.
  - (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 (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
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
17. 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.
18. 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,

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Conditions of Certification  
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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)"

19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-150**. Submittals shall be sent to the attention of the 401 Certification Unit.
20. 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.
21. 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.
22. 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.
23. 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.

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#### 24. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
25. 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.