



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Gary Takara
Pasadena Water and Power
150 S. Los Robles Avenue, Suite 200
Pasadena, CA 91101

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 9707

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED ARROYO SECO CANYON PROJECT (Corps' Project No. 2016-00270-JMV), ARROYO SECO REACH 3, CITY OF PASADENA, LOS ANGELES COUNTY (File No. 16-034)

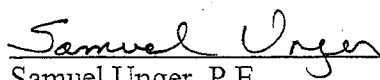
Dear Mr. Takara:

Board staff has reviewed your request on behalf of Pasadena Water and Power (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 11, 2016.

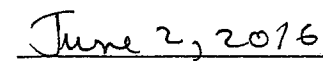
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance),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



Date

DISTRIBUTION LIST

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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. 16-034

1. Applicant: Mr. Gary Takara
Pasadena Water and Power
150 S. Los Robles Avenue, Suite 200
Pasadena, CA 91101

Phone: (626) 744-3729

2. Applicant's Agent: David T. Hughes
BonTerra Psomas
225. S Lake Avenue, Suite 1000
Pasadena, CA 91101

Phone: (626) 351-2000

3. Project Name: Arroyo Seco Canyon Project

4. Project Location: Pasadena, Los Angeles County

Area 1

<u>Latitude</u>	<u>Longitude</u>
34.2106	118.1723
34.2101	118.1726
34.2084	118.1718
34.2086	118.1705
34.2091	118.1706
34.2105	118.1713
34.2117	118.1708
34.2104	118.1724
34.2087	118.1721
34.2084	118.1708
34.2089	118.1704
34.2097	118.1712
34.2114	118.1708
34.2117	118.1711

Area 2

<u>Latitude</u>	<u>Longitude</u>
34.2068	118.1684
34.2069	118.1675
34.2071	118.1675
34.2072	118.1681
34.2076	118.1681

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34.2081	118.1681
34.2083	118.1683
34.2081	118.1684
34.2077	118.1685
34.2073	118.1687
34.2071	118.1686
34.2068	118.1676
34.2071	118.1674
34.2071	118.1677
34.2073	118.1681
34.2080	118.1682
34.2082	118.1682
34.2082	118.1683
34.2079	118.1684
34.2074	118.1687
34.2071	118.1687

Area 3

<u>Latitude</u>	<u>Longitude</u>
34.1979	118.1672
34.1979	118.1666
34.1992	118.1661
34.2011	118.1655
34.2021	118.1655
34.2021	118.1652
34.2031	118.1658
34.2035	118.1661
34.2033	118.1662
34.2032	118.1663
34.2022	118.1664
34.2010	118.1672
34.2004	118.1675
34.1991	118.1678
34.1978	118.1678
34.1978	118.1673
34.1978	118.1671
34.1986	118.1664
34.2005	118.1656
34.2015	118.1655
34.2021	118.1652
34.2027	118.1653
34.2034	118.1661
34.2034	118.1661

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34.2033	118.1663
34.2027	118.1663
34.2013	118.1669
34.2007	118.1673
34.1994	118.1679
34.1981	118.1679
34.1978	118.1676

5. Type of Project: Water conservation intake structure improvements and spreading grounds construction.

6. Project Purpose: The objective of the proposed project (Project) is to increase the use of surface water rights held by Pasadena Water and Power (PWP) by improving intake facilities within Arroyo Seco. In addition, the existing sediment removal mechanism will be improved and recharge operations will be expanded by creating additional spreading basins.

The proposed Project will include new recreational and educational amenities near the headworks structure, as well as a new reduced-sized parking lot at the existing Jet Propulsion Laboratory (JPL) parking site for those using the Arroyo Seco Canyon and Hahamongna Watershed Park areas.

7. Project Description: The Project is divided into three distinct areas identified herein (from north to south) as Areas 1 to 3.

Area 1 — Arroyo Seco Headworks

Area 1 is the northernmost and furthest upstream area, primarily located in the low- to mid-level floodplain of the Arroyo Seco. This area includes the existing headworks structure across the stream that was designed to divert flows into adjacent sedimentation basins to reduce the amount of suspended solids in the stream flow. The headworks and sedimentation basins were substantially damaged due to the debris flows following the 2009 Station Fire and are essentially non-functional facilities.

The Project will (1) remove the existing headworks structure and replace it with a flow constrictor, consisting of rock rip rap; (2) install recreational facilities consisting of benches, tables, trash cans, and educational signage east of the headworks structure and outside of jurisdictional waters; (3) stabilize the channel upstream of the headworks with bio-block revetments and rock groins to help direct creek flows around the proposed picnic area; (4) install

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woody debris clusters and willow baffles to facilitate natural sedimentation and provide opportunities for natural vegetation establishment; and (5) establish native landscaping to enhance approximately six acres of the Arroyo Seco floodplain where the sedimentation basins are located. Stream restoration will include native plant revegetation and invasive species removal on approximately 1,000 linear feet of streambed.

Area 2 — Arroyo Seco Intake

Area 2 is located approximately 0.30 miles downstream from the Arroyo Seco Headworks and contains a diversion weir and intake structure; an equipment building; the Gabrielino Trail (access road); and a historic A-frame bridge over the Arroyo Seco. The PWP operates the diversion weir and intake diversion structure, which can withdraw up to 32 cfs of water. Upon entering the intake, the water is piped downstream, traveling approximately 3,000 feet where it is delivered to PWP's spreading basins in Area 3. The diversion structure consists of a retaining wall on the east bank of the stream, which is approximately nine feet tall and constructed of reinforced concrete. Near the downstream end of the retaining wall is a reinforced concrete diversion weir, placed perpendicular to the direction of the stream flow to allow water to flow into the intake structure when the weir is raised. The intake is located immediately upstream of the diversion weir and extends through the left bank retaining wall, protected by a steel trash rack.

Proposed improvements in Area 2 include the replacement of the diversion weir and intake structures and reconstruction of the adjacent access road. The access road south of the intake structure in Area 2 will be stabilized through the reconstruction of the slope and the provision of protective riprap. The road will be repaved with asphalt, and the existing river rock wall will be extended from the A-frame bridge at the downstream end of this site to the diversion structure.

Area 3 — Jet Propulsion Laboratory East Parking Lot

Area 3 includes the JPL East Parking Lot, adjacent City-owned spreading basins, and the access bridge that connects the Parking Lot to the JPL Campus to the west. The parking lot is accessed from Explorer Road and is approximately 9.6 acres and contains 1,132 parking spaces that JPL has leased from the City since 1960.

Two sludge basins and a series of 13 spreading basins are located east of the Arroyo Seco; west of the JPL East Parking Lot;

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approximately 650 feet south of Bridge No. 1; and approximately 2,200 feet north of Devil's Gate Dam. However, the Project Area 3 includes only the four upper spreading basins of the 13.

Proposed improvements in Area 3 include: (1) removal of the existing asphalt concrete parking lot and creating a smaller parking lot (fewer than 100 spaces) with a permeable surface for recreational users; (2) creating a new 2-lane, 24-foot wide paved access road from Explorer Road to the south; (3) creation of a new sedimentation basin measuring approximately 170 feet long by 25 feet wide by 12 feet deep; and (4) construction of six spreading basins south of the sedimentation basin that will range from 3.5 to 8.5 feet deep. To maximize the effective recharge area for the spreading basins, four existing basins will be reconfigured into five new basins and expanded east into the former parking lot, and a new basin will be added to the southeast. Spillways, pipelines, culverts, and valves will be provided to connect the basins to each other.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. 2016-00270-JMV)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: On June 2, 2015, a Mitigated Negative Declaration was issued by the City of Pasadena for this project.
11. Receiving Water: Arroyo Seco Reach 3 (Hydrologic Unit Code: 180701050209)
12. Designated Beneficial Uses: MUN*, IND, PROC, GWR, REC-1, REC-2, WARM, COLD, WILD, WET

*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.18 temporary (40 linear feet) and 0.17 permanent acres (334 linear feet)

Isolated waters, Waters of the State (spreading grounds): 2.37 temporary 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:
- Vehicle and equipment cleaning procedures and practices will eliminate or reduce the discharge of pollutants to stormwater from vehicle and equipment cleaning operations. Procedures and practices include using off-site facilities; washing in designated, contained areas only; eliminating discharges to the storm drain by infiltrating the wash water; and training employees and subcontractors in proper cleaning procedures.
 - Vehicle equipment fueling procedures and practices will be designed to prevent fuel spills and leaks and reduce or eliminate contamination of stormwater.
 - The contractor will install silt fencing within appropriate locations to reduce sediment transport to the channel area.
 - The contractor will prevent or reduce stormwater contamination resulting from vehicle and equipment maintenance by running a "dry and clean site."
17. Proposed Compensatory Mitigation: The Applicant has proposed to provide compensatory mitigation for 0.17 acre of permanent impacts to jurisdictional waters, by enhancing approximately 1.52 acre portion of Area 1. Mitigation in this area will include minor earthwork to create an overflow channel (approximately 1,000 linear feet) from the Arroyo Seco main stem combined with planting of approximately 100 white alder, arroyo willow, coast live oak, and western sycamore trees and associated native understory species.
18. Required Compensatory Mitigation: The Regional Board will require mitigation as proposed above. The Mitigation Plan will be developed in conjunction with California Department of Fish and Wildlife, and will include 1.52 acres of enhancement within Arroyo Seco.
- 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. 16-034

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. 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.
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

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be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

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%. Any such

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violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

17. 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.
18. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.17 acres** of vegetation within waters by enhancement of riparian habitat/Federal jurisdictional wetland habitat at a minimum **8.9:1** area ratio (**1.52 acres**). The mitigation site shall be located within the Arroyo Seco 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.

19. 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 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;

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- (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.
20. 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.
21. 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)"
22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **16-034**. Submittals shall be sent to the attention of the 401 Certification Unit.

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23. 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.
24. 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.
25. 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.
26. 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.
27. *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

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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.
28. 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.

