



Los Angeles Regional Water Quality Control Board

February 15, 2013

Colonel R. Mark Toy
U.S. Army Corps of Engineers Los Angeles
P.O. Box 2711
Los Angeles, CA 90053

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Claim No. 7011 2970 0000 0645 2673

UNITED STATES ARMY CORPS OF ENGINEERS FEBRUARY 11, 2013 TECHNICAL REPORT AND RESPONSE TO INVESTIGATIVE ORDER NO. R4-2013-0001 – AMENDED RESPONSE REQUIRED

Dear Colonel Toy:

On February 11, 2013, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) received a hand delivered hard copy of the United States Army Corps of Engineers' (USACOE) Technical Report for Investigative Order R4-2013-0001 (Technical Report).

After the Regional Board staff's initial review of the Technical Report, we are seeking clarification to the responses provided in Items 14 and 15. Item 14 requires the USACOE to provide, "[t]he dates and time that heavy equipment accessed the Los Angeles River or Los Angeles River bottom, before and after vegetation removal." Item 15 requires the USACOE to provide, "[t]he volume of fill material including soils, sediments, and vegetation discharged in the Los Angeles River."

The February 11, 2013 Technical Report states, in part, "[n]o heavy equipment accessed the Los Angeles River invert. An excavator did cross the invert of Haskell Creek near the confluence with the Los Angeles River during vegetation scraping activities from the terraces of Haskell Creek." The USACOE's response to Item 15 states, in part, "[f]ill material was not discharged in the waterway. A *de minimus* amount of incidental fill in the form of loose soil from scraping activities was possibly discharged into Haskell Creek."

Enclosed are photographs from a joint site inspection conducted by Regional Board and State Water Resources Control Board (State Water Board) staff on January 15, 2013. During this site inspection, staff observed evidence of soil and debris discharges in the Los Angeles River and use of heavy equipment and machinery along the banks and in the Los Angeles River channel.

The Regional Board is requiring the USACOE to amend the Technical Report and resubmit an accurate accounting of activities covered in Items 14 and 15. The amended response should also address the discrepancy between the response the USACOE originally provided for Items

14 and 15 and the observations of Regional Board and State Water Board staff on January 15, 2013.

The amended response shall be submitted as a pdf via email to Dr. L.B. Nye at LB.Nye@waterboards.ca.gov. The deadline for submission of the amended response is February 22, 2013.

If you have any questions regarding this matter, please call Dr. Nye at (213) 576-6785.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: Photos taken January 15, 2013

cc: via US Mail

The Honorable Kevin de León
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The Honorable Fran Pavley
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[Photos taken January 15, 2013]



Photo 1: West bank of the Los Angeles River, upstream of Haskell Creek confluence.



Photo 2: Los Angeles River, east bank (foreground), facing west. The access ramp upstream of the Encino Creek – Los Angeles River confluence is in the background.

[Photos taken January 15, 2013]



Photo 3: Los Angeles River (downstream view from Burbank Boulevard) near Encino Creek confluence



Photo 4: Los Angeles River, east bank near Encino Creek confluence

[Photos taken January 15, 2013]



Photo 5: Los Angeles River, seen from the west bank of the Los Angeles River



Photo 6: Top of the west bank of the Los Angeles River