

California Regional Water Quality Control Board

Los Angeles Region

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>

May 11, 2011

Gail Farber
Director of Public Works
County of Los Angeles
900 South Fremont Avenue
Alhambra, CA 91803

Via Certified Mail
Return Receipt Requested
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CALIFORNIA WATER CODE § 13267 ORDER TO SUBMIT INFORMATION – MORRIS DAM AND RESERVOIR POSTFIRE SEDIMENT REMOVAL PROJECT FILE NO. 10-070

Dear Ms. Farber:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality, including the protection of beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced site.

The San Gabriel River, in particular, Reach 5 which includes the Morris Reservoir and the river below the Morris Reservoir to Sante Fe Dam, has the following beneficial uses:

Municipal and Domestic Water Supply (MUN)	Water Contact Recreation (REC1)
Agricultural Supply (AGR)	Non-contact Water Recreation (REC2)
Industrial Process Supply (PROC)	Warm Freshwater Habitat (WARM)
Industrial Service Supply (IND)	Cold Freshwater Habitat (COLD)
Ground Water Recharge (GWR)	Wildlife Habitat (WILD)
	Spawning, Reproduction, and/or Early Development (SPWN)

The WARM and COLD beneficial uses contained in the Regional Board's Basin Plan are uses of water that support aquatic ecosystems including but not limited to preservation or enhancement of habitat, vegetation, fish, and wildlife, including invertebrates. The SPWN beneficial use is the use of water as high quality aquatic habitat suitable for reproduction and early development of fish. The WILD beneficial use is defined as "Uses of water that support terrestrial ecosystems

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including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g. mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources."

As part of our effort to protect water quality, pursuant to California Water Code (CWC) § 13267, the Regional Board is investigating the plans for sediment removal at the Morris Dam Reservoir, which are proposed by the County of Los Angeles, Department of Public Works (DPW).


The Regional Board supports DPW's purpose of protecting the residents of the Cities of Azusa and Duarte downstream from the risk of flooding and recognizes the importance of maintaining the water conservation use of the reservoirs.

However, the Regional Board requires the information as set forth in the attached Order to evaluate the sufficiency of the alternatives considered by DPW, and the potential for negative effects to water quality and habitat downstream of the sediment removal activities. We would like to see this effort result in a long-term strategy that provides necessary flood control while avoiding and minimizing impacts on aquatic life, drinking water and other beneficial uses. This requires thoughtful analysis of alternatives that are carefully considered and not expedited at the end of long periods of sediment accumulation. The evidence supporting this requirement is contained in the Denial Without Prejudice for a Clean Water Act (CWA) Section 401 Water Quality Certification issued by this Regional Board on August 4, 2010 and the response sent by the County of Los Angeles, Director of Public Works on September 2, 2010.

Please note, in addition, per the previously issued Denial Without Prejudice dated August 4, 2010 and the proposed change in schedule (2010 to 2011) and with additional information developed in response to this CWC §13267 Order, a new CWA Section 401 application will be necessary if sluicing or other sediment removal activity is planned for 2011.

If you have any questions regarding this matter, please call Dr. L.B. Nye at (213) 576-6785 or Ms. Valerie Carrillo at (213) 576-5759.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: Investigative Order No. R4-2011-0058

California Environmental Protection Agency

Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations

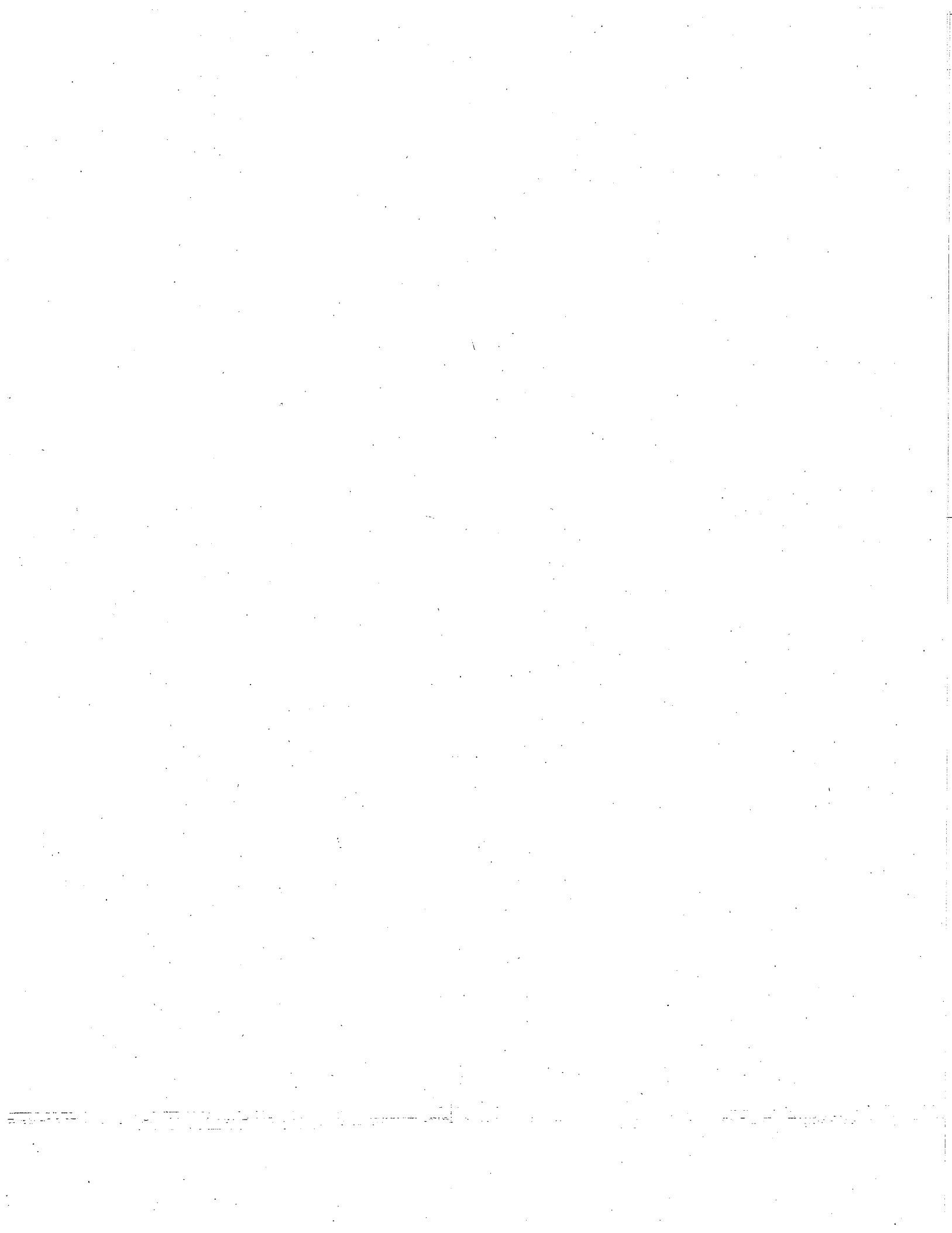
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cc:

Chris Stone, Water Resources Division, Los Angeles County Department of Public Works
Francis McChesney, Staff Counsel, State Water Resources Control Board
Jennifer Fordyce, Staff Counsel, State Water Resources Control Board
Bill Orme, State Water Resources Control Board
Cherry Oo (File No. 2010-00833-CO), U.S. Army Corps of Engineers
Eric Raffini, U.S. Environmental Protection Agency, Region 9
Kelly Schmoker, California Department of Fish and Game
Carol Thomas Williams, Main San Gabriel Basin Watermaster



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INVESTIGATIVE ORDER NO. R4-2011-0058
REQUIRING A TECHNICAL REPORT ON JUNE 13, 2011
(CALIFORNIA WATER CODE SECTION 13267¹)

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
WATER RESOURCES DIVISION
P.O. BOX 1460
ALHAMBRA, CA 91802-1460

(MORRIS RESERVOIR POSTFIRE SEDIMENT REMOVAL PROJECT File No. 10-070)

You are legally obligated to respond to this Order. Please read this carefully.

Pursuant to section 13267(b) of the California Water Code (CWC), you are hereby directed to submit the following:

By June 13, 2011, a technical report that, given that sediment removal at the Morris Reservoir will be a long-term need, identifies DPW's sediment removal strategy that will minimize water quality and habitat impacts and that can provide sediment to other regional projects, and which includes information and data as follows:

1. Provide a detailed history of sediment removal projects, cleanouts and maintenance of Morris Reservoir.
2. Provide the Los Angeles County, Department of Public Works' (DPW) long-term sediment management expectations for Morris Reservoir, including detailed answers to the questions in 2(a), 2(b) and 2(c), below.

The Final, 1997 EIS/EIR, *San Gabriel Canyon Sediment Management Plan*, examined four alternatives for removing sediment from Morris Reservoir: (1) No action, (2) Sluice,

¹ California Water Code section 13267 states, in part: (b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

(3) Dredge, and (4) Pipeline. The Sluice alternative for Morris Reservoir included that "Cleanouts would typically alternate between Morris and San Gabriel on alternate years so one reservoir would be full, and one drained, each year." In addition, the Final EIS/EIR estimated the "Sediment Volume to be Removed to Maintain Current Capacity" at a different removal frequencies (every year, every 2 years, every 10 years). For example, the estimated volume to be removed at the every-year clean-out frequency was 1.27 million cubic yards (cy).

- a) Did the 1.27 million cy estimate include sediment assumed to be sluiced from the San Gabriel Reservoir or was this estimate for Morris without sluiced material from San Gabriel Reservoir?
- b) Does this estimate remain the best estimate of the ongoing need?

The project proposed by DPW (May 18, 2010, CWA Section 401 application) includes a plan to remove 836,000 cy from the Morris Reservoir in one year (with additional flushing and sediment removal from Sante Fe Basin in a second year).

- c) Given the proposed one-time removal of 836,000 cy, what is the expected return frequency for additional removals?

3. Provide the DPW's Long-Term Sediment Strategy for maintenance, including frequency and corresponding sediment removal volume, of Morris Dam after the proposed one-time removal of 836,000 cy.
4. For the proposed one-time removal of 836,000 cy, provide the alternatives considered in terms of duration and timing (e.g. seasonal alternatives, storm-coordinated releases, multi-year removals, etc.).
5. For the proposed one-time removal of 836,000 cy, provide the alternatives considered in terms of protecting the outlet valves of Morris Dam (e.g. the minimum sediment removal necessary to protect the valves). Include how the minimum removal volume(s) were determined.
6. Provide the DPW's plan for flushing, including dry-year contingencies.
 - a. How were flows necessary for flushing estimated?
 - b. What is the source(s) of water for flushing?
 - c. How was it determined that the source of water will be sufficient in a dry year?
7. Provide a list of all community outreach activities for the proposed Morris Reservoir sluicing. Provide copies of all stakeholder comment letters since 2009 on sluicing or other sediment removal activities at Morris Reservoir.

8. Provide all modeling reports or geomorphological assessments that have been conducted to date for the sluicing from Morris Reservoir through Santa Fe Dam.
9. If not provided as Item 8, above, provide a draft geomorphological assessment of impacts due to sediment transport, deposition, and removal, through the San Gabriel River for the proposed one-time removal of 836,000 cy. The assessment shall include the alternatives identified in 4 and 5, above and shall consider both wet and dry years and include, but not be limited to:
 - a. A model of the sediment transport which can be used to calculate sediment transport, erosion and deposition at specific areas, to assess the morphologic stability of the channel and to assess the sorting, distribution, and resuspension of sediments due to natural flows and flushing flows during the identified alternatives;
 - b. A plan for river restoration, gravel augmentation, and in-stream habitat structure placement, as necessary after predicted impacts of identified alternatives;
 - c. Channel geometry and bed profile surveys surrounding sluice events (pre-, during and post-sluicing); and
 - d. Anticipated excursions of the TSS and turbidity water quality objectives, during and after sluicing by historical analysis or modeling.
10. Provide copies of all reports submitted to the Regional Board under Monitoring and Reporting Program 7905 for Waste Discharge Requirements Order 98-041.
11. Provide a draft monitoring plan for the proposed one-time removal of 836,000 cy, sufficient to document any impacts to water quality, groundwater recharge, and aquatic or riparian habitat including consideration of impacts during both dry and wet years. The draft monitoring plan shall include, at a minimum:
 - a. Proposed sampling locations for water quality testing and bioassessment
 - b. Proposed sampling frequency, including the proposed frequencies before, during and after the proposed sluicing operation.
 - c. Proposed water quality parameters to be assessed
 - d. Proposed bioassessment methods for vegetation and invertebrates
12. Provide a draft habitat mitigation plan for the proposed one-time removal of 836,000 cy. The draft habitat mitigation plan shall include, at a minimum:
 - a. Proposed sites to re-locate fish, turtles and snakes
 - b. Proposed best management practices to control movement of invasive species including crayfish and *Arundo donax*

- c. Proposed planning and designs for river restoration, gravel augmentation, and in-stream habitat structure placement
- d. Proposed compensatory mitigation for the 3.59 acres of willow habitat to be removed

Each numbered item above must be identified with respect to each response in your transmittal. If you have no data to submit for any item above, state that specifically. Do not reference any other section as part of an answer for any Item number above, but you may reference other documents that support your response as long as they are submitted with the above and the citation is identified by document and page number.

Each and any report submitted in accordance with this Order 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)"

Each of the above items shall be submitted, under penalty of perjury, and sent to:

Attn: Valerie Carrillo, Engineering Geologist
401 Certification Unit
320 W. 4th Street, 2nd Floor
Los Angeles, California 90013.
213-576-6759

Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical or monitoring report described in paragraph 1 above may result in the imposition of civil liability penalties by the Regional Board, without further warning, of up to \$1,000 per day for each day the report is not received after the June 13, 2011 due date.

The Regional Board requires this information in order to determine if avoidance and minimization, in accordance with the Clean Water Act have fully been undertaken.

The evidence supporting this requirement is contained in the denial without prejudice for a CWA Section 401 Water Quality Certification issued by this Regional Board on August 4, 2010 and the response sent by the Director of Public Works on September 2, 2010. The Denial Without Prejudice (August 4, 2010) requested a fluvial geomorphological assessment and a monitoring plan (including bioassessment) be prepared, and to date DPW has not provided these items.

We believe that the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. If you disagree and have information about the burdens, including costs, of complying with these requirements, provide such information to Valerie Carrillo within ten days of the date of this letter so that we may reconsider the requirements.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

SO ORDERED.



Samuel Unger, P. E.
Executive Officer

