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## Los Angeles Regional Water Quality Control Board

### Tentative WATER QUALITY ORDER NO. R4-2021-XXXX WASTE DISCHARGE REQUIREMENTS

**Effective Date:** December 9, 2021

**Program Type:** Restoration

**Project Type:** Residential

**Project:** Single Family Dwelling at 10550 Bellagio Road (Project)

**Applicant:** M & A Gabae, LLC

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Regulatory Measure ID: 411922  
Place ID: 832978  
WDID: 4WQC40117022  
R4 File Number: 17-022

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## **I. Order**

This Order for Waste Discharge Requirements (Order) is issued at the request of M & A Gabae LCC (herein after Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on February 24, 2017. The application was deemed complete on July 21, 2020.

## **II. Public Notice**

The Los Angeles Water Board provided public notice of the draft Order pursuant to Water Code section 13167.5. from October 19, 2021 to November 18, 2021.

## **III. Project Purpose**

The purpose of this Project is to reconstruct the Stone Canyon Creek channel following unauthorized activities that occurred as part of a residential development in the City of Los Angeles.

## **IV. Project Description**

The Permittee intends to construct a new single-family residence along Stone Canyon Creek in the City of Los Angeles on a residential property of 1.95 acres.

Stone Canyon Creek is a natural drainage feature that flows from north to south near the westerly perimeter of the residential property. The creek had been partially channelized by previous residents with rock and concrete construction. Riparian vegetation existed along the entire length of the channel. The acreage of the Waters of the State was 15,155 square feet (0.35 acres) and 272 linear feet.

In June 2018, the Permittee significantly altered the creek. The Permittee reconstructed the creek as a non-engineered channel consisting of a narrow rectangular shape made of rock riprap, approximately 5 to 8 feet deep and approximately 6-10 feet wide over its entire span at this project site. The permanent impacts of the construction within the creek consisted of 10,103 square feet, or 0.23 acres and 272 linear feet. These actions took place without a Clean Water Act section 401 Water Quality Certification (401 Certification) or other required permitting.

Due to its near vertical side walls consisting of stacked boulders, the current configuration of the reconfigured creek is unstable. Therefore, additional work will be required to regrade and stabilize the creek and revegetate the slopes with native plantings. The Project will consist of realigning the watercourse to its original alignment with a bottom width of 5 feet and side slopes of 2:1 horizontal to vertical, and lining the watercourse with vegetated matting to prevent erosion and enhance growth of native vegetation. An additional strip of a minimum of 10 feet on either side of the watercourse will be planted with native species.

Also, as a part of the restoration of the overall site, two existing pedestrian bridges will be removed and the area will be restored with native vegetation.

This Order authorizes the restoration of the creek as described above and assesses compensatory mitigation for impacts associated with the removal of the initial channel.

The City of Los Angeles, in conjunction with the Army Corps' of Engineers have approved the restoration as a requirement in order to remediate the unauthorized activities. The Army Corps of Engineers is not issuing a CWA section 404 permit for the restoration.

The siting and design of the future single family residence is not final at this time. The footprint of the future residence will be outside of waters of the state. However, it is anticipated that the future residence will collect storm water onsite in a rainwater harvesting system. The overflow from the rainwater harvesting system will be discharged to a riprap pad which will be located within the Waters of the State. The riprap pad and any other construction activities which impact waters associated with the future residence will require a separate permitting.

## **V. Project Location**

The subject property is located at 10550 Bellagio Road, in the City of Los Angeles, California.

Latitude: 34<sup>^</sup> 04' 53.21" and Longitude: -118<sup>^</sup> 26' 34.29"

Latitude: 34<sup>^</sup> 04' 54.31" and Longitude: -118<sup>^</sup> 26' 31.86"

Latitude: 34<sup>^</sup> 04' 54.02" and Longitude: -118<sup>^</sup> 26' 31.56"

Latitude: 34<sup>^</sup> 04' 52.94" and Longitude: -118<sup>^</sup> 26' 34.15"

A map showing the Project location is found in Attachment A of this Order.

## **VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Los Angeles Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at:

[http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet

contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Receiving Water: Receiving water from Stone Creek Canyon – Stone Canyon Reservoir (Hydrologic Unit Code: 180701040300)

Designated Beneficial Uses: MUN\*, IND, PROC, GWR, REC-1, REC-2, WARM, WILD

\*Conditional beneficial use

## VII. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts as described in section IV, are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

**Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

<b>Aquatic Resources Type</b>	<b>Acres</b>
Stream Channel	0.35

## VIII. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct and indirect impacts, described in section XII.H. for permanent impacts.

## IX. California Environmental Quality Act (CEQA)

The Los Angeles Water Board has determined that the Project is exempt from review under CEQA pursuant to the exemption criteria under California Code of Regulations title 14, section(s) 15333 Small Habitat Restoration Projects. Additionally, the Los Angeles Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order.

## X. Fees Received

The fee amount for the proposed project has been determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as Fill and Excavation Discharges with the dredge and fill fee calculator.

**Table 2: Record of Fees Received**

<b>Date Received</b>	<b>Check/Confirmation No.</b>	<b>Amount</b>
02/24/2017	053579	\$600.00
04/20/2017	055322	\$1,013.00
10/30/2018	071913	\$600.00
04/24/2019	077130	\$600.00
11/13/2020	31876236783220	\$3,267.00

Total Fees Received: \$6,080.00

## **XI. Findings**

1. This Order is adopted pursuant to section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (Cal. Water Code § § 13000, et seq.). Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264. Notwithstanding any determinations made by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, dischargers must comply with the entirety of this Order because the Order also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.
2. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
3. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law.
4. In response to a suspected violation of any condition of this Order, the Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
5. This Order does not provide coverage under the Construction General Permit. As applicable, dischargers shall maintain compliance with conditions described

in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 20090009-DWQ; NPDES No. CAS000002). For ground disturbing activities that do not require enrollment in Order No. 2009-0009-DWQ, project plans included with the NOI shall include appropriate erosion and sediment control measures as described in the *Best Management Practices* section below.

## **XII. Conditions**

The Los Angeles Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

### **A. Authorization**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

### **B. Reporting and Notification Requirements**

Requirements for the content of these reporting and notification types are detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

#### **1. Project Reporting**

- a. Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary of Project effective date. Annual Reporting requirements are detailed in Attachment C. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

## 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Los Angeles Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee, which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>1</sup> and no further Project activities will occur. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, Los Angeles Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

## 3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate.

### a. Accidental Discharges of Hazardous Materials<sup>2</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - a. first call – 911 (to notify local response agency)

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<sup>1</sup> Completion of post-construction monitoring shall be determined by Los Angeles Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>2</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

b. then call – Office of Emergency Services (OES) State Warning Center at:  
(800) 852-7550 or (916) 845-8911

c. Lastly, follow the required OES procedures as set forth in:

[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill Booklet Feb2014 FINAL BW Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill%20Booklet%20Feb2014%20FINAL%20BW%20Acc.pdf)

ii. Following notification to OES, the Permittee shall notify the Los Angeles Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, or delivered written notice.

iii. Within five (5) working days of notification to the Los Angeles Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Compliance with Water Quality Standards:**

The Permittee shall notify the Los Angeles Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, or delivered written notice.

i. Examples of noncompliance events include: lack of any reporting in a timely manner, lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, water contact with uncured concrete, and exceedances of limits for the analytes for In-Water Work or Diversions listed below.

ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

**c. In Water Work or Diversion**

i. If stream diversion will be necessary, the Permittee shall submit to Los Angeles Water Board staff a Stream Diversion Plan, with a diagram and a narrative description of the method to divert the stream and associated BMPs for acceptance, at least 30 days in advance of any stream diversion.

ii. During stream diversion, water quality monitoring shall be conducted. Requirements for water quality monitoring are below.

iii. The Permittee shall notify the Los Angeles Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, or delivered written notice.

iv. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Los Angeles Water Board staff.

**d. Modification to Project**

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Los Angeles Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Los Angeles Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

**e. Transfer of Property Ownership:**

This Order is not transferable in its entirety or in part to any person or organization except after receiving certification for the Project from the Los Angeles Water Board. In addition:

- i. The Permittee must notify the Los Angeles Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Los Angeles Water Board at least 10 days prior to the transfer of ownership.
- ii. Until such time as a new Order has been issued, the Permittee shall continue to be responsible for all requirements set forth in this Order.

**C. Water Quality Monitoring**

**1. General**

If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

**2. Accidental Discharges/Noncompliance**

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Los Angeles Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

**3. In-Water Work or Diversions**

For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Los Angeles Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

During planned work in water any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Oil and Grease. Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
- b. Dissolved Oxygen. No single determination shall be less than 5.0 mg/L, except when natural conditions cause lesser concentrations.
- c. pH. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge.
- d. 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

Sampling shall be conducted in accordance with Table 3 sampling parameters.<sup>3</sup>

**Table 3: Sample Type and Frequency Requirements**

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L and % saturation	Grab	Daily for the first week, weekly, thereafter
pH	Standard Units	Grab	Daily for the first week, weekly, thereafter
Turbidity	NTU	Grab	Daily for the first week, weekly, thereafter
Temperature	°F (or as °C)	Grab	Daily for the first week, weekly, thereafter

<sup>3</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Los Angeles Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Baseline sampling shall be conducted at a minimum of one location within the project boundary for each phase. All other sampling shall take place at a minimum of two locations. In streams or flowing water, the sample locations shall be upstream and downstream of the Project. 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. A summary of results shall discuss the analysis. Every measurement not meeting the compliance limits shall be accompanied by an explanation, the actions taken to correct the degradation to waters, and addressed in *Violation of Compliance with Water Quality Standards* report described above.

#### 4. Post-Construction

Visually inspect the Project site during the rainy season for five (5) years to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Los Angeles Water Board staff member overseeing the Project within three (3) working days. The Los Angeles Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

#### D. Standard Conditions

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Los Angeles Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Los Angeles Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313).
2. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

#### E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Los Angeles Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Los Angeles Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

## **F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment B of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Los Angeles Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

- b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
  5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
  6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Los Angeles Water Board immediately upon execution and prior to any discharge to waters of the state.
  7. This Order shall expire **five (5) years** from date of this Order. The Applicant shall submit a complete application at least 90 days prior to termination of this Order if renewal is requested.

## **G. Best Management Practices**

1. Site Management
  - a. The Permittee shall retain eroded sediments and pollutants on site and they shall not be transported from the site via sheet flow, swales, area drains, natural drainage, or wind.
  - b. The Permittee shall cover and/or protect stockpiles of earth and other construction related material from being transported from the site by wind or water.
  - c. The Permittee shall store fuels, oils, solvents, and other toxic materials in accordance with their listing and shall not contaminate the soil or the surface waters. All approved toxic storage containers shall be protected from the weather. Spills shall be cleaned up immediately and disposed of properly and shall not be washed into the drainage system.
  - d. The Permittee shall contain non-storm water runoff from equipment and vehicle washing and any other activity on the Project site.

- e. The Permittee shall not wash excess or waste concrete into the public way or any drainage system. Provisions shall be made to retain concrete waste on site until it can be appropriately disposed of or recycled.
- f. The Permittee shall deposit trash and construction related solid waste into a covered receptacle to prevent contamination of storm water and dispersal by wind.
- g. The Permittee shall not track sediments or other materials from the site by vehicle traffic. The construction entrance roadways shall be stabilized so as to inhibit sediments from being deposited into the street/public ways. Accidental depositions shall be swept up immediately and shall not be washed down by rain or by any other means.
- h. The Permittee shall provide retention basins of sufficient size to retain storm water runoff on the Project site and the basins shall be properly located to collect all tributary site runoff.
- i. Where retention of storm water runoff on the Project site is not feasible due to site constraints, the Permittee shall convey runoff to the street and the storm drain system provided that an approved filtering system is installed and maintained on-site during the construction duration.
- j. The Permittee shall install temporary erosion control methods during the rainy season of October 1st to April 15th.
- k. The project shall comply with the local regulations associated with the Los Angeles Water 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 or subsequent order.
- l. The Permittee shall develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP) and a Rain Event Action Plan (REAP).

## **H. Compensatory Mitigation for Permanent Impacts<sup>4</sup>**

### **1. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

- a. If the Permittee satisfies the compensatory mitigation requirements by purchase of credits from a mitigation bank or In-Lieu Fee program, a copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Los Angeles Water Board for approval within 90 days of issuance of the Waste Discharge Requirement.

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<sup>4</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- b. If the Permittee does not satisfy the compensatory mitigation requirement with purchase of credits, then the Permittee shall propose a compensatory mitigation plan to the Los Angeles Water Board within 90 days of the issuance of this Order.
- c. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Los Angeles Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

## 2. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the permanent impact to stream channel by creation, re-establishment or rehabilitation of stream channel habitat at a minimum 5:1 area replacement ratio (1.75 acres).
- b. Total required Project compensatory mitigation information for permanent physical loss of area, ecological degradation and temporal loss is summarized in Table 4.

**Table 4: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

<b>Aquatic Resource Type</b>	<b>Mitigation Type</b>	<b>Units</b>	<b>Method<sup>5</sup> Reh.</b>
Stream Channel	Mitigation Credits	Acres	1.75

## XIII. Conclusion

I hereby issue the Order for the Single Family Dwelling at 10550 Bellagio Road, 4WQC40117022, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to

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<sup>5</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

Single Family Dwelling at 10550 Bellagio Road

Reg. Meas. ID: 411922

Place ID: 832978

File No. 17-022

this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

### **CERTIFICATION**

I, Renee Purdy, do hereby certify that the foregoing is a full, true, and correct copy of waste discharge requirements adopted by WATER QUALITY ORDER NO. [XXXX-XXX] (WDID No. 4WQC40117022) adopted by the Los Angeles Water Board on December 9, 2021.

Renee Purdy  
Executive Officer  
Los Angeles Water Quality Control Board





Single Family Dwelling at 10550 Bellagio Road  
Attachment A

Regulatory Measure ID: 411922  
Place ID: 832978  
File No: 17-022

Attachment B  
Signatory Requirements

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## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Los Angeles Water Quality Control Board (Los Angeles Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Los Angeles Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



### Copies of this Form

Include a copy of the Project specific Cover Sheet below with your report: please retain a copy for your records.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Los Angeles Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [RB4-401Certification@waterboards.ca.gov](mailto:RB4-401Certification@waterboards.ca.gov)
  - Include in the subject line of the email: Subject: ATTN: Valerie Carrillo Zara; File No: 17-022, Reg. Measure ID: 411922 Report

### Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Los Angeles Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Los Angeles Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Los Angeles Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Los Angeles Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Los Angeles Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

### Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983(NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Single Family Dwelling at 10550 Bellagio Road		
<b>Permittee:</b>	M & A Gabae, LLC		
<b>Reg. Meas. ID:</b>	411922	<b>Place ID:</b>	832978
		<b>File No:</b>	17-022

<b>Report Type Submitted</b>	
<b>Part A – Project Reporting</b>	
Report Type	<input type="checkbox"/> Annual Report
<b>Part B - Project Status Notifications</b>	
Report Type	<input type="checkbox"/> Commencement of Construction
Report Type	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type	<input type="checkbox"/> Request for Notice of Project Complete Letter
<b>Part C - Conditional Notifications and Reports</b>	
Report Type	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type	<input type="checkbox"/> Modifications to Project Report
Report Type	<input type="checkbox"/> Transfer of Property Ownership Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

**\*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

**Part A – Project Reporting**

<b>Report Type</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Los Angeles Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the anniversary of Project effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Color photos, pre-project and current.</li> <li>3. Map showing general Project progress.</li> <li>4. If applicable: <ol style="list-style-type: none"> <li>a. Summary of any conditional reports sent during the year such as “Accidental Discharge of Hazardous Material Report” or “Accidental Discharge of Hazardous Material Report”</li> <li>b. Copies of revised permits from other agencies</li> <li>c. Compilation of all water quality monitoring results for the year in a spreadsheet format.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

<b>Report Contents</b>	<p><b>*If not applicable report N/A.</b></p> <ol style="list-style-type: none"> <li>1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of mitigation success.</li> </ol>
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<p><b>*If not applicable report N/A.</b></p> <p><b>Part A. Permittee Responsible</b></p> <ol style="list-style-type: none"> <li>1. Planned date of initiation of compensatory mitigation site installation.</li> <li>2. If installation is in progress, a map of what has been completed to date.</li> <li>3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.</li> </ol> <p><b>Part B. Mitigation Bank or In-Lieu Fee</b></p> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

**Part B – Project Status Notifications**

<b>Report Type</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Los Angeles Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> </ol>

<b>Report Type</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Los Angeles Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> </ol>

	2. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.
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<b>Report Type</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Los Angeles Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Los Angeles Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <p>1. A report establishing that areas of temporary impacts to waters of the state, and upland areas of temporary disturbance which could result in a discharge to waters of the state, have been successfully restored and all identified success criteria have been met. Pre- and post-photo documentation of all restoration sites.</p> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <p>2. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</p> <p>3. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</p> <p>4. Pre- and post-photo documentation of all compensatory mitigation sites.</p> <p>5. Final maps of all compensatory mitigation areas (including buffers).</p> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <p>6. Date of storm water permit Notice of Termination(s), if applicable.</p> <p>7. Report status and functionality of all post-construction BMPs.</p>

<b>Part C – Conditional Notifications and Reports</b>
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<b>Report Type</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Los Angeles Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Los Angeles Water Board staff.
<b>Report Contents</b>	<p>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</p> <p>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.</p>

	<p><b>3.</b> Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</p>
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<b>Report Type</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Los Angeles Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Los Angeles Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Los Angeles Water Board staff.

<b>Report Type</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Los Angeles Water Board staff of the completion of in-water work.
<b>When to Submit</b>	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
<b>Report Contents</b>	As required by the approved water quality monitoring plan.

<b>Report Type</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Los Angeles Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	Prior to any alteration or modification of Project activities.
<b>Report Contents</b>	A description and location of any alterations of Project activities. Identify any Project modifications that will interfere with the Permittee's compliance with the Order. Any alteration may require an Amendment, to be determined by Los Angeles Water Board staff.

<b>Report Type</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Los Angeles Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<p><b>1.</b> A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:</p> <ul style="list-style-type: none"> <li><b>a.</b> the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li> </ul>

	<p><b>b.</b> responsibility for compliance with any long-term BMP<sup>1</sup> maintenance plan requirements in this Order.</p> <p><b>2.</b> A statement that the Permittee has informed the purchaser to submit a written request to the Los Angeles Water Board to be named as the permittee in a revised order.</p>
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<sup>1</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.