



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger  
Governor

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Maria Martin  
City of Los Angeles Bureau of Engineering  
1149 S. Broadway, Suite 600  
Los Angeles, CA 90015

### WATER QUALITY CERTIFICATION FOR PROPOSED PECK PARK CANYON ENHANCEMENT PROJECT (Corps' Project No. 2009-00252-MAS), LOS ANGELES HARBOR, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 09-020)

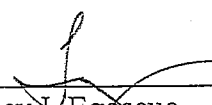
Dear Ms. Martin:

Board staff has reviewed your request on behalf of the City of Los Angeles Bureau of Engineering (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 5, 2009.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

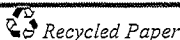
The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Tracy J. Egoscue  
Executive Officer

"12/09  
\_\_\_\_\_  
Date

*California Environmental Protection Agency*



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

## DISTRIBUTION LIST

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**Project Information**

**File No. 09-020**

1. Applicant: Maria Martin  
1149 S. Broadway, Suite 600  
Los Angeles, CA 90015

Phone: (213) 485-5753 Fax: (213) 847-0656

2. Applicant's Agent: City of Los Angeles Bureau of Engineering  
1149 S. Broadway, Suite 600  
Los Angeles, CA 90015

Phone: (213) 485-5753 Fax: (213) 847-0656

3. Project Name: Peck Park Canyon Enhancement Project

4. Project Location: City of Los Angeles, Los Angeles County

| Latitude (decimal<br>degrees) | Longitude (decimal<br>degrees) |
|-------------------------------|--------------------------------|
| 33.750689                     | -118.303039                    |
| 33.749713                     | -118.303851                    |
| 33.748679                     | -118.305651                    |
| 33.748074                     | -118.300376                    |
| 33.750859                     | -118.302989                    |
| 33.750099                     | -118.303412                    |
| 33.748693                     | -118.305444                    |
| 33.748076                     | -118.308474                    |
| 33.750099                     | -118.303412                    |

5. Type of Project: Streambed enhancement

6. Project Purpose: The proposed project (Project) will improve the storm water quality entering and leaving the Peck Park canyon. By decreasing downstream velocity, sediment erosion will be reduced, and by reducing or filtering trash, debris, and bacteria, the beneficial uses of the receiving water body (Los Angeles Harbor) will be improved. Other Project goals include streambed enhancement, minimization of the potential for canyon flooding, and repair and improvement of

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the park's trail and trail system connections.

The project is funded by Proposition O, a Clean Water Bond Measure approved by voters in 2004. Two State grants, Proposition 50 and Recreation and Trails Grants are also available for this project.

#### 7. Project Description:

Seasonal storm water flow in Peck Park and Dunn Canyons has caused damage over time. Unimpeded storm water runoff has impaired slopes, the upper and lower streambeds in the canyons, and trails. In addition, surface runoff from areas surrounding the project site has the potential to introduce pollutants (bacteria, oil and grease, suspended solids, metals, and gasoline) to the receiving waters. The proposed project will improve the quality of the stormwater entering and leaving the canyon thereby contributing toward meeting the adopted bacteria Total Maximum Daily Load (TMDL) and expected TMDL requirements set by this Regional Board and the U.S. Environmental Protection Agency for the Los Angeles Harbor.

The Project has three major components: (1) channel improvements in Peck and Dunn Canyons; (2) upland improvements throughout the rim of Peck and Dunn canyons; and (3) improvements to the trail system, interpretative signage, and habitat enhancement.

The proposed channel changes will include channel widening (in three areas), an infiltration basin, a step pool, drainage improvements, and stream bank stabilization with organic materials such as wattles, brush matting, and native plantings to protect the soil in various areas within Peck Canyon. A total of 436 linear feet (0.072 acres) of waters of the United States will be disturbed by project construction. Proposed bridge abutments and wingwalls will not be located within the jurisdictional waters.

#### Peck Canyon

Water currently enters Peck Canyon from an existing, underground storm drain line which is located just to the east of Western Avenue. Once the water exits the storm drain the water flows through the Canyon where it then enters another existing, underground storm drain line. This storm drain then carries the

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water to the Los Angeles Harbor. The water flows directly from the storm drain into the Harbor.

This portion of the project includes widening and stabilizing three separate areas along the Peck Canyon main channel. The three areas are: Area 1a, which is the location of the proposed East pedestrian bridge crossing; Area 1b, which is a narrow reach between the proposed East and West pedestrian bridges in the main channel; and Area 1c, which is the location of the proposed West pedestrian bridge crossing. Channel improvements in all three areas include the installation of Turf Reinforcement Mat (TRM) lining on the sides and bottom of the channel to stabilize and reduce erosion potential.

TRM consists of a dense web of crimped, interlocking, multi-lobed polypropylene fibers positioned between two biaxial (two axes) nets and mechanically bound together by parallel stitching with polypropylene thread. The TRM lining or armoring is designed to provide stability and induce vegetation growth and is considered an environmentally friendly alternative to hard armor erosion protection solutions such as concrete and rip-rap. The improvements of each area are further described below.

#### Area 1a (East Pedestrian Bridge)

The proposed East pedestrian bridge will span approximately 50 feet. The channel areas upstream and downstream of the bridge will be protected from erosion with TRM lining. Disturbed areas surrounding the bridge will be stabilized with organic materials such as wattles, brush matting, and native plantings to protect the soil. The TRM will be located within jurisdictional waters, however, the bridge abutments will be located outside of jurisdictional limits.

#### Area 1b (Mid-Canyon improvements)

Narrow channel sections will be widened and sections will be armored. The goal of widening the narrow channel sections is to reduce the flow velocity within those narrow segments to the existing average channel flow velocity (which is estimated to be 11 feet per second for a 50 year storm). The widened channel sections will be extended either to the edge of the existing trail (left side of the channel when looking downstream) or to the canyon wall (right side of the channel looking downstream) depending on the channel

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embankment side slope. The total length of armoring will be approximately 195 feet; the total construction area will be approximately 0.104 acres. The channel armoring will be located within jurisdictional waters of the United States. Disturbed areas due to the installation of the channel armor will be stabilized with organic materials such as wattles, brush matting, and native plantings to protect the soil.

#### Area 1c (West Pedestrian Bridge)

The proposed West Pedestrian Bridge will span approximately 30 feet. The channel areas upstream and downstream of the bridge will be protected from erosion with TRM lining. The total length of armoring will be approximately 64 feet; the total construction area will be approximately 0.052 acres. Disturbed areas surrounding the bridge will be stabilized with organic materials such as wattles, brush matting, and native plantings to protect the soil. The channel armoring (TRM) will be located within jurisdictional waters, however, the bridge abutments are proposed outside of the jurisdictional limits.

#### Lower Dunn Canyon

Similarly to Peck Canyon, Dunn Canyon carries water above ground within the channel to a point where the water is collected into an underground storm drain. This storm drain connects to the same storm drain line that carries the water from Peck Canyon which flows directly into the Los Angeles Harbor.

Due to the narrow and steep topography of Dunn Canyon, one step pool is proposed near the downstream end of the canyon. The step pool will increase residence time within the stream, dissipate energy from high flows, and provide opportunity for water quality improvement through the deposition of sediment. The channel will be armored with grouted rip-rap downstream of the step pool. Grouted rip-rap will be used due to the existing shallow bedrock underlying the streambed.

The step pool will span approximately 50 feet across the channel. The step pool and armoring will be approximately 105 feet in length and the total area will be approximately 0.109 acres. Disturbed areas (due to installation of the structures) surrounding the step pool and armoring will be stabilized with native plantings to protect the soil. While the step pool and armoring will be created for the

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possibility of water, the location of the proposed step pool is outside of current jurisdictional waters.

Construction will take place outside of the rainy season, so it is not expected that water will come into contact with fresh or wet concrete.

#### Western Outfall

Water enters Peck Canyon in this area through an existing underground storm drain line and by flowing over the top of a masonry wall. The water then flows into the channel, which is adjacent to the park dumpster storage area. To prevent water from running over the top of the wall, a new underground storm drain will be installed to carry the water around the wall. A new inlet will also be installed to collect the water. Trash collection devices will be installed at the new inlet to reduce the amount of trash and debris that enters the channel from the existing adjacent dumpsters in the area. The inlet combined with a storm drain line will reduce the amount of sediment that is introduced at the Canyon's channel. The stormwater will be conveyed to a point downstream from the masonry wall and will be routed to avoid disturbing the existing wall. A small area of the energy dissipater will be located within jurisdictional waters to prevent erosion.

#### Leland Avenue (South)/Elberon Avenue (East) and Upper Dunn Canyon Bridge

An existing storm drain pipe will be removed and re-constructed at the head of Dunn Canyon to stabilize the area to prevent future erosion and sediment deposition to Dunn Canyon. A catch basin insert and a catch basin screen cover will be installed at the existing catch basin at Leland Avenue to reduce the trash and debris loading to the channel. An infiltration basin (approximately 2-1/2 feet deep) will also be constructed. The basin will have an underground storm drain that will allow water to filter through the soil thus allowing for trash, debris and pollutants to drop out of the water, so that they are not carried downstream and ultimately into the harbor. The area around the basin will be re-vegetated and the excess runoff will be conveyed over a weir and down a grouted rip-rap energy dissipater to the Dunn Canyon channel.

Currently there is a low point located along the northerly edge of the roadway on Elberon Avenue between Leland Avenue and

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Bandini Street. This low point allows for water to collect and pond, ultimately flooding the roadway. Currently, it appears the only way for the water to escape this block is for the water to pond and then flow over the curb into Dunn Canyon, thus causing erosion to the channel slope and introducing sediment into the channel. A new catch basin is proposed to allow for the water to drain from the roadway, thus eliminating the potential for flooding. The new catch basin will be connected to a new storm drain that will be installed to direct runoff to the channel. The storm drain will carry the water underground, thus preventing future erosion and eliminating the introduction of sediment into the channel. A rip rap energy dissipater will also be installed to reduce the velocity of the water flowing into the channel. The rip rap dissipater will be located outside of jurisdictional waters.

The proposed Dunn Canyon pedestrian bridge will be approximately 40 feet long. Upstream of the proposed bridge, the channel will be widened to retain stormwater and allow infiltration; a spillway will be armored with grouted rip-rap to prevent erosion. Disturbed areas surrounding the bridge will be stabilized with organic materials such as wattles, brush matting, and native plantings to protect the soil. The bridge abutments will not be located within jurisdictional waters. The southerly bridge abutment is more than 20 feet outside of the jurisdictional waters and the northerly bridge abutment is more than 2.8 feet north of the jurisdictional water line.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 13, 33, 41 (Permit No. 2009-00252-MAS)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement



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10. California Environmental Quality Act Compliance: A Mitigated Negative Declaration was filed with the Los Angeles City Clerk on January 14, 2009. A Notice of Determination was filed with the Los Angeles City Clerk on May 15, 2009
11. Receiving Water: Los Angeles Inner Harbor (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, RARE, SHELL
13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.071 permanent acres (436 linear feet) and 0.001 temporary acres (10 linear feet)
14. Dredge Volume: None
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:
- Sediment and pollutants will not be allowed to leave the site through sheet flow or swales or drains, or by tracked vehicle traffic or wind.
  - Channel erosion and stockpiled earth and other construction-related materials will be controlled by grading and covering.
  - Fuels, oils, solvents, approved toxic storage containers, and all other materials which may contaminate soil or surface waters will be properly stored and handled offsite.
  - Construction-related solid wastes will be retained onsite until

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they can be appropriately disposed of or recycled.

- Construction entrance roadways will be stabilized to reduce sediment pollution.
- Vehicle or any other activity washing will be contained.
- The site will be restored to pre-construction conditions outside of planned changes.
- A wet weather erosion control plan will be prepared in advance of construction when grading will occur during the rainy season (October 1 through April 15).

17. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to enhance 0.83 acres of vegetated streambed onsite.

18. Required  
Compensatory  
Mitigation:

The Applicant shall provide 0.83 acres of enhancement for vegetated streambed. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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### Conditions of Certification

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#### 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 Game's (CDFG) 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 CDFG'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.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. 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.
15. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
16. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
17. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
18. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
19. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). 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 be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

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20. 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** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
21. All project construction or 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.
22. 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.

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

23. The Applicant shall restore the proposed **0.001 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
24. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.001 acres** waters of the United States and provide compensatory mitigation for the proposed permanent impacts to **0.071 acres** of vegetation within waters of the United States by enhancing riparian habitat at a minimum **11:1** area replacement ratio (**0.83 acres**). The mitigation site shall be located within the Los Angeles Inner Harbor Watershed 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 disturbance 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.

25. All open space and mitigation areas shall be placed within a conservation easement or other appropriate designation to ensure preservation as natural habitat in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
26. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** 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

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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:

- (d) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (e) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (f) The overall status of project including a detailed schedule of work;
  - (g) Copies of all permits revised as required in Additional Condition 1;
  - (h) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (i) A certified Statement of “no net loss” of wetlands associated with this project;
  - (j) Discussion of any monitoring activities and exotic plant control efforts; and
  - (k) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
27. Prior to any subsequent maintenance activities within the subject drainages (including clearing, maintenance by hand, or the application of pesticides) the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage’s existing condition; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (wetland or riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
28. 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.



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- (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.
29. 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)"

- 30. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **09-020**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 31. 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.
- 32. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
- 33. 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. 99-08-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.

## ATTACHMENT B

### Conditions of Certification File No. 09-020

34. 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.
35. 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.
36. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
37. This Certification shall expire five (5) years from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.