



California Regional Water Quality Control Board

Los Angeles Region



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

Edmund G. Brown
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Maureen S. Adams
Secretary for
Environmental
Protection

Mr. Keith Lilley
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

RENEWAL OF WATER QUALITY CERTIFICATION FOR PROPOSED BIG TUJUNGA SEISMIC REHABILITATION AND SPILLWAY MODIFICATION PROJECT (Corps' Project No. 2006-00546-AOÁ), TUJUNGA CREEK, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 06-017)


Dear Mr. Lilley:

Regional Board staff has reviewed your request to extend the existing Certification for the above-referenced project. Your application with supporting documentation for the renewal was deemed complete on March 29, 2011.

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 Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

June 14, 2011
Date

DISTRIBUTION LIST

Michele Chimienti
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Aaron Allen
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Eric Raffini (via electronic copy)
U.S. Environmental Protection Agency
600 Wilshire Boulevard, Suite 1460
Los Angeles, CA 90017

Ken Berg
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

Project Information File No. 06-017 (2011 renewal)

1. Applicant: Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

Phone: (626) 458-6111 Fax: (626) 979-5436
2. Applicant's Agent: Michele Chimienti
3. Project Name: Big Tujunga Seismic Rehabilitation and Spillway Modification
4. Project Location: Los Angeles, Los Angeles County
Longitude: 118° 11' 13.2072"; Latitude: 34° 17' 38.5188"
Longitude: 118° 11' 11.5656"; Latitude: 34° 17' 38.2560"
Longitude: 118° 11' 10.7556"; Latitude: 34° 17' 38.1120"
Longitude: 118° 11' 12.4476"; Latitude: 34° 17' 34.5696"
Longitude: 118° 11' 13.7544"; Latitude: 34° 17' 35.7576"
Longitude: 118° 11' 18.0600"; Latitude: 34° 17' 34.4508"
Longitude: 118° 11' 18.3840"; Latitude: 34° 17' 36.3516"
Longitude: 118° 11' 13.9560"; Latitude: 34° 17' 37.0121"
5. Type of Project: Seismic Rehabilitation of Big Tujunga Dam
6. Project Description: *Purpose:*
This renewal is for a one year extension of the existing Certification, in order to complete the project. The purpose of the proposed project is to thicken the existing dam with the placement of new concrete on the downstream face of the dam. The existing parapet walls on the crest and abutments will be raised to contain and direct flows to the spillway. In addition to creating a thick-arch dam face and building raised parapet walls, other modifications include, but are not limited to, installing a new dam controls system; a new control house; new valves and valve chamber; a new boat dock; a new raised above-ground diesel tank for emergency power generation; connecting a 2-inch waterline between both abutments across the dam crest; and constructing a permanent access road.

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Description:

The only work currently remaining is the final work on the valves, testing of the valves, and installation of access walkways and removal of the culvert crossing improvement. During construction, releases from the dam were bypassed around the plunge pool through a temporary pipeline. The temporary stormflow bypass was employed to keep the area immediately downstream of the existing dam dry for the excavation of the foundation of the thickened arch. The bypass line has been removed and the dam will use the new valves to release flows downstream.

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|---|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Individual Permit No. 2006-00546-AOA |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act Compliance: | The Initial Study and Mitigated Negative Declaration for the proposed project were issued on January 5, 2006.
SCH# 2005101010 |
| 10. Receiving Water: | Big Tujunga Canyon Creek (Hydrologic Unit No. 405.23) |
| 11. Designated Beneficial Uses: | MUN*, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE

*Conditional beneficial use |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.92 temporary and 0.43 permanent acres

Project length: 750 linear feet |
| 13. Dredge Volume: | None |

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14. Related Projects Implemented/to be Implemented by the Applicant:

In August 2002, a geotechnical investigation was performed as part of the information collection process for the proposed project. Ten instream borings and four borings within the vertical rock sidewalls of the plunge pool were drilled. All borings were backfilled with a sand cement mortar. A working model of geology, structural subsurface features and geotechnical conditions of the buttress foundation was produced.

The seismic rehabilitation and spillway modification project will involve the expansion of the existing dam structure and raising the present spillway. The project is being funded, in part, by the Federal Emergency Management Agency, Hazard Mitigation Grant Program as a cost-effective measure to reduce or eliminate damage and risk from effects of natural disaster. This is currently the only project scheduled for the next five years at the facility.

15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Hydrology analysis was performed to determine the location and flow rate for the BMPs to meet SUSMP requirements. The structural BMPs will adequately handle the peak mitigated flow rate of 0.15 cubic feet required for treatment. BMPs will be implemented to minimize project sediment runoff and deposition.
- A silt fence will be installed across the channel at the downstream end of the plunge pool, and settling pond will be employed downstream to minimize impact from construction operations.
- Harassment such as noise and lights will be avoided as much as possible. For night work, light shields will be used to focus lights on the construction area and away from the wildlife habitat. Noise shields will also be utilized for any generators used during construction.
- All vehicles and equipment will be washed both before and after entering all project sites to prevent exotic plants from invading native habitats. Re-seeding of the staging area adjacent to the front gate with native seed will be done after the completion of

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construction.

- The Contractor will have an on-site hazardous materials spill cleanup kit.
- Construction activity will be monitored by a biological monitor to confirm compliance with permit conditions and mitigation measures to minimize potential impacts.
- During the de-watering of the plunge pool, a qualified biologist monitored the construction area for native aquatic species. The only fish species observed in the plunge pool was the State Sensitive Species, Arroyo Chub. The Chub will be captured and temporarily held in insulated containers until relocated downstream of the culvert crossing. A dewatering and control of water plan was submitted by the contractor for Department of Fish and Game approval prior to the start of this work.
- The plunge pool has been rewatered and the vegetation downstream of the plunge pool will be allowed to re-establish.
- The staging area adjacent to the front gate has trees planted by the U.S. Forest Service (USFS) that include native species like the California Sycamore and Coulter Pines. The trees are generally less than 6 feet tall with trunks less than 4 inches in diameter. The trees will be avoided as much as possible with fencing to enclose them. Some of the trees were relocated to USFS for use within the forest. Reseeding of the staging area with native seed will be done after the completion of construction.
- USFS requires that vehicles entering the construction area will be washed to prevent introduction of non-native plant species.

16. Required

No additional compensatory mitigation has been proposed for this

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Compensatory
Mitigation:

renewal.

17. Required

Compensatory
Mitigation:

Permanent impacts (0.43 acres) due to the thickening of the dam's buttress have been mitigated in compensation from the existing Big Tujunga Mitigation Bank at a ratio of 1:1. The Big Tujunga Mitigation Bank purchased in 1998 contained available credits with Santa Ana Sucker and Arroyo Chub habitat, and it is within the same watercourse. This mitigation of 0.43 acres is accounted for within the Bank and no additional compensatory mitigation will be required for this renewal. *See Attachment B Conditions of Certifications; Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

ATTACHMENT B

Conditions of Certification File No. 06-017 (2011 renewal)

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' Section 404 Permit and the California Department of Fish and Game's 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. 15, 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 so they are 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 the Land Disposal Unit, at the Regional Board 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. 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.
14. 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.
15. 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.
16. All project/construction/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.
17. 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. This plan has been reviewed and approved by RWQCB and CDFG. The plan includes 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

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any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
19. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed proposed permanent impacts to **0.43 acres** of vegetation within waters of the United States by utilizing credits at a 1:1 ratio from the Big Tujunga Mitigation Bank. The actual boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. 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 any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts. This mitigation is currently existing within the Big Tujunga Mitigation Bank and will not be increased for this renewal.

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20. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
21. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) Certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/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 existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.

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23. All applications, reports, or information submitted to the Regional Board shall be signed:

(a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

(b) For a partnership, by a general partner.

(c) For a sole proprietorship, by the proprietor.

(d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

24. 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)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 06-017. Submittals shall be sent to the attention of the Nonpoint Source Unit.

26. 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.

27. 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. The project shall also comply with all requirements

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of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-IDWQ. 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.

28. 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.
29. 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.
30. *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.

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- (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.
31. This Certification shall expire **one (1) year** from date of this renewal Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.

