



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental
Protection

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Edmund G. Brown Jr.
Governor

Ms. Maria E. Martin
City of Los Angeles
Bureau of Engineering
1149 South Broadway, Suite 600, Mail Stop 939
Los Angeles, CA 90015

WATER QUALITY CERTIFICATION FOR PROPOSED ECHO PARK LAKE REHABILITATION PROJECT (Corps' Project No. 2010-00790-MAS), ECHO PARK LAKE, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 10-116)

Dear Ms. Martin:

Board staff has reviewed your request on behalf of the City of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 1, 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 15, 2011

Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 10-116

1. Applicant: City of Los Angeles, Department of Public Works
Bureau of Engineering
1149 South Broadway, Suite 600, Mail Stop
Los Angeles, CA 90015

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

2. Applicant's Agent: Julie Ogilvie
AECOM
1420 Kettner Boulevard, Suite 500
San Diego, CA 92101

Phone: (619) 764-6822 Fax: (619) 233-0952

3. Project Name: Echo Park Lake Rehabilitation Project

4. Project Location: Echo Park Lake

<u>Latitude</u>	<u>Longitude</u>
34.07534	118.26152
37.07308	118.26166
34.07164	118.26136
34.07074	118.26131
34.07002	118.25976
34.07317	118.25970
34.07468	118.25879
34.07505	118.25898
34.07533	118.25964
34.07560	118.26056

5. Type of Project: Lake rehabilitation and water quality improvement project

6. Project Purpose: The main purpose of the project is to improve water quality, functions and services of the lake, which connects to the Los Angeles River via a storm drain system while also maintaining the historical integrity of the park.

The objective for this lake rehabilitation is to implement multi-purpose solutions, consistent with Proposition O objectives, of water supply, water quality, flood protection, water conservation, and recreation.

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7. Project Description:

The lake rehabilitation will consist of replacing the existing lake liner and constructing a new liner with bentonite-enhanced clay, as well as installing wetlands and a recirculation system. The constructed wetlands will be installed throughout the lake, including the northeast corner surrounding the island and along lake edges. The purpose of the wetlands will be to treat incoming lake water and improve water quality within the lake.

The lake is an existing dam that falls under the jurisdiction of the Division of Safety of Dams (DSOD). In order to comply with DSOD regulations, the City will install an earthen berm to partition the lake. The berm will be fully submerged and not visible from above the water surface. The lake must be partitioned to limit the volume of water bearing on the dam to less than 50 acre-feet; therefore, the partition splits the lake volume to meet this requirement. The berm would be constructed of engineered fill and covered with 12-inches of free draining ¾-inch rock. The top of the berm would be covered with an 8-inch soil-cement layer.

Wetlands will be constructed into the lake with a recirculation system to treat 110,000 gallons per day of dry season flows and 25% of the volume of runoff from the watershed from the first 0.75-inch of rainfall in a 24 hour period. Approximately 4.20 acres of wetlands will be constructed, which will include 2.7 acres in the northeast corner of the lake. The remaining 1.5 acres will include smaller wetland areas along the eastern and western edges, and within the southern portion of the lake. The average water depth for all of the wetlands is expected to be 1.5 feet. The wetlands will be contained within berms. The berm will consist of compacted fill covered with 12-inch grouted riprap. Approximately 9,400 cubic yards will be required to construct the wetlands. The City plans to incorporate a diversity of plants, which will include open water and emergent species with aquatic terraces and wetlands surrounding the lake. The species to be installed include: water plantain; yerba mansa, swamp loosestrife; Chinese water chestnut; sand spikerush; green arrow arum; giant arrowhead; common tule; and California bulrush. In order to provide greater habitat, the City will incorporate floating leaved macrophytes within edge wetlands. The plant species will be natives or appropriate non-invasive plants.

Before storm water enters the wetlands, they will be pre-treated with a hydrodynamic separator. Water will then flow into the

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wetlands and then be re-circulated once it reaches the southern portion of the lake. Water will be re-circulated at a rate of 600 gallons per minute. The recirculation system includes a centralized fountain, an intake structure located at the southern end of the lake, and a pump station located on the shore.

Currently, low flows bypass the lake. The project proposes to direct the low flow into the lake so that it will get treated instead of continuing to drain to Los Angeles River. In addition, re-routing the water into the lake serves as a water conservation measure to avoid having to supplement lake water with municipal potable water.

The proposed project is estimated to be completed in approximately two years. Prior to project completion, the Bureau of Sanitation will prepare a Water Quality Monitoring Plan (Plan) to monitor the water quality improvements within Echo Lake. This Plan will be developed based on the monitoring recommendations of the Echo Park Total Maximum Daily Load (TMDL) under development by USEPA.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 2010-00790-MAS)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
- State Historic Preservation Officer
Consultation on Historic Resources
- California Division of Safety of Dams
Dam design approval
10. CEQA: The City of Los Angeles filed a Notice of Determination on December 7, 2010. (SCH. No. 2009091036)
11. Receiving Water: Echo Park Lake (Hydrologic Unit No. 405.15)
12. Designated Beneficial Uses: MUN*, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Lake: 14.14 temporary acres

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14. Dredge Volume: Approximately 35,000 cubic yards of sediment will be excavated from the lake, once the water is drained. Approximately half of the excavated materials may be used as backfill, once the contaminated soils and debris have been removed.
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:
- An erosion control plan will be required of the Contractor.
 - Fueling will not take place near the project work areas.
 - Staging will take place in designated areas in the already disturbed/urban areas.
 - Stockpiling areas will be delineated on grading plans and reviewed by a qualified biologist.
 - Vehicles will utilize existing access roads.
 - Topsoil will be stockpiled in areas lacking vegetation.
 - The City shall comply with the Echo Park Lake Rehabilitation Wildlife Relocation Plan, which details the capture and relocation of aquatic species as approved by the California Department of Fish and Game.
17. Proposed Compensatory Mitigation: The Applicant has not proposed any additional compensatory mitigation, as this is a restorative project, funded through Proposition O.
18. Required: The Regional Board will not require any additional compensatory

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Compensatory
Mitigation:

mitigation for the proposed project, as it is a restorative project which will improve water quality.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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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.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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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.
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 (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.
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.

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13. The Applicant shall prepare a Water Quality Monitoring Plan (Plan) to be submitted to the Regional Board and approved before project completion, in order to monitor water quality improvements as a result of the proposed project. The Plan must incorporate any sampling required or recommended by TMDLs in effect at the time of project completion.
14. 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.
15. 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.
16. If rain is predicted after operations have begun, construction 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. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. 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.

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 (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

18. All project/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.

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19. 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. 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.

20. 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. 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.

21. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project completion. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all

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restoration efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project 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 for each reach (as required) compiled in an easy to interpret format;
- (f) A 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. 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.

23. 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,

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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)

24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 10-116. Submittals shall be sent to the attention of the 401 Certification Unit.
25. 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.
26. 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 of the National Pollutant Discharge Elimination System (NPDES) **General Permit for Storm Water Discharges Associated with Construction Activity**, Order No. 2009-009-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.
27. 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.
28. 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.

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29. *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.
30. 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.