



California Regional Water Quality Control Board Los Angeles Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

Leann Emmert
Subconscious Productions, Inc.
1201 W. 5th St., Ste F350
Los Angeles, CA,

WATER QUALITY CERTIFICATION FOR PROPOSED MAGNUS REX SCENE IN LOS ANGELES RIVER PROJECT (Corps' Project No. 2011-0732-GS), CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 11-135)

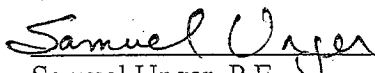
Dear Ms. Emmert:

Board staff has reviewed your request on behalf of Subconscious Productions, Inc. for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 18, 2011.

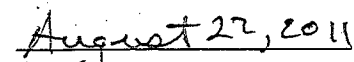
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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 LB Nye, Section 401 Program, at (213) 576-6785.



Samuel Unger, P.E.
Executive Officer


Date

DISTRIBUTION LIST

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

Sarah Rains (via electronic copy)
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Gerardo Salas
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, Region 9
75 Hawthorne Street
San Francisco, CA 94105

ATTACHMENT A

**Project Information
File No. 11-135**

1. Applicant: Leann Emmert
Subconscious Productions, Inc.
1201 W. 5th St., Ste F350
Los Angeles, CA,
Phone: (213) 534-3962 Fax: (213) 534-3963

2. Applicant's Agent: Leann Emmert
Subconscious Productions, Inc.
1201 W. 5th St., Ste F350
Los Angeles, CA,

3. Project Name: Magnus Rex Scene in Los Angeles River

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

Latitude

Longitude

34.039929

-118.228340

5. Type of Project: Temporary film set

6. Project Purpose: Film scenes for a movie

7. Project Description: The proposed project will build a film set under the 6th St Bridge in the Los Angeles River.

The project will include construction of a temporary platform, made of scaffolding deck, from the edge of the 6th St access tunnel to the footing of the 6th St Bridge. The platform dimensions will be 41 ft wide and 100 ft long. The platform will have a wax coating, to simulate an "icy river". The river wall on the east side and base of the bridge footing will be painted green. Lights, condors, truck, cameras and other film equipment will operate in the river to support the filming. A temporary Bailey bridge will be placed over

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the low flow channel so equipment can access both sides of the river.

Where the low flow channel bends to accommodate the footing of the bridge, a row of sandbags will be used to prevent any water from flowing out of the low flow channel and into the set area. Nothing will be anchored to the channel walls or floor. At the end of filming, the set will be completely removed and the east wall will be painted gray using the same paint that is used to cover graffiti.

Prep work will begin in the Los Angeles River August 25, 2011. The project will be complete and all sets and material completely removed by September 30, 2011.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 33 (Permit No. 2011-0732-GS)
9. Other Required Regulatory Approvals: Film permit, County of Los Angeles
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15303.
11. Receiving Water: Los Angeles River (Hydrologic Unit No. 405.15)
12. Designated Beneficial Uses: MUN*, IND, GWR, REC1, REC2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.094 acres (100 linear feet) temporary
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.

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16. Avoidance/
Minimization
Activities:

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

- All pre-existing trash from the channel will be cleaned, and trash from the set construction will be prevented from entering the water. Laborers will sweep the set all day, and remove trash that flows in from various outflow pipes into the channel.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project and the location of the project within a concrete lined channel.

18. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

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. 11-135

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. **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, 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 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. 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.
10. 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.
11. 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.
12. 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.
13. The applicant shall use dropcloths and other appropriate BMPs to prevent discharges to the river while painting.
14. All project construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.

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Conditions of Certification File No. 11-135

15. The Applicant shall restore any 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
16. The Applicant shall submit to this Regional Board a **Completion Report** within 30 days of the completion of this project. The Completion Report shall describe all of the project/construction activities performed and all restoration. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Copies of all permits revised as required in Additional Condition 1;
 - (c) A Statement of "no net loss" of wetlands associated with this project;
 - (d) A Statement from the permittee or his/her representative that all conditions of this Certification have been met.
17. 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.
18. 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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Conditions of Certification
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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)"

19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-135**. Submittals shall be sent to the attention of the 401 Certification Unit.
20. 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.
21. 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. 99-08-DWQ.
22. 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.
23. 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.
24. *Enforcement:*

ATTACHMENT B

Conditions of Certification File No. 11-135

- (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.
25. 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.