Ms. Katherine Rubin
Los Angeles Department of Water and Power
111N. Hope Street, Room 1213
Los Angeles, CA 90007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7011 2970 0000 0645 0129

WATER QUALITY CERTIFICATION FOR PROPOSED BULL CREEK CHANNEL REALIGNMENT AND LOS ANGELES RESERVOIR PROTECTION PROJECT (Corps' Project No. 2012-00635-BAH), UPPER BULL CREEK TO THE LA RIVER, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 12-101)

Dear Ms. Rubin:

Board staff has reviewed your request on behalf of Los Angeles Department of Water and Power (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 18, 2013.

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.

Please read this entire document carefully. 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.

Chief Deputy E.O.

Samuel Unger, P.E. for
Executive Officer

6-19-13
Date

DISTRIBUTION LIST

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75 Hawthorne Street
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Jim Bartel
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Carlsbad, CA 92011

ATTACHMENT A

Project Information
File No. 12-101

1. Applicant:

Los Angeles Department of Water and Power
111N. Hope Street, Room 1213
Los Angeles, CA

Phone: (213) 367-0436 Fax: (213) 367-3377

2. Project Name: Bull Creek Extension Channel Realignment Project

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

Latitude	Longitude
34.30444 N	118.49503 W
34.29917 N	118.49152 W
34.29299 N	118.48794 W
34.28939 N	118.47906 W
34.31146 N	118.49390 W
34.30444 N	118.49503 W
34.28928 N	118.48531 W

4. Type of Project: Reservoir and channel modification

5. Project Purpose: The purpose of the proposed project is to upgrade facilities within Bull Creek and lower basins adjacent to the Los Angeles Reservoir, in order to protect the reservoir from stormwater overflows and improve water quality. In addition, Bull Creek will be widened to accommodate the storm flows and redirect a portion of the flows to the basins below the reservoir, in order to provide additional water infiltration and groundwater recharge. Improvements to these facilities are required to conform to the dam operation safety standards adopted by Division of Safety of Dams.

6. Project Description: The proposed project consists of the following activities:

1. Lower Debris Basin (LDB)

a) Channel widening (April 2015 → September 2015)

The existing Bull Creek is a concrete-lined, trapezoidal channel, with a bottom width of 15 feet and a depth of 10 feet. There is not adequate space available to construct a new realigned channel parallel to the existing channel (as is the case with the segment within the LDB). Therefore, this segment of existing

channel must be demolished to accommodate the new widened channel.

Approximately 400 linear feet of the existing channel will be demolished and widened 10 feet, from north to south, and replaced with a new concrete-lined channel. The new widened channel will replace the existing channel which will be abandoned in place, upon completion of the new channel. No diversion will be required, as the existing channel will be in use during construction. The remainder of the channel will be left in its original alignment and unaltered. Construction will occur during the dry season, and outside of the nesting season. The new widened channel will replace the existing channel which will be abandoned in place, upon completion of the new channel.

b) Tie-in upstream of the realigned channel (August 2015 → October 2015)

The upstream tie-in will connect the new channel with the existing Bull Creek, upstream of the Lower Debris Basin. This connection will be performed by the contractor during the dry season.

c) A parapet wall will be constructed south of the widened channel. (October 2015 → November 2015)

d) The channel and confluence will be realigned downstream of the LDB. (July 2013 → December 2013)

Approximately 2,630 feet of the existing channel will be realigned by the construction of a new concrete-lined channel west of and parallel to the existing channel, which will be abandoned in place upon completion of the project. The realigned channel will have a trapezoidal cross-section, with a bottom width of 15 feet. The confluence will connect the new channel, downstream of the LDB. All tie-ins will be performed during the dry season as part of the third and final phase of construction beginning in late 2014 – early 2015

2. Lower San Fernando Detention Basin (LSFDB)

a) Diversion channel and stilling basin (July 2013 → June 2014)

A new diversion channel and overflow structure will be constructed downstream of the realigned channel measuring approximately 40 feet wide and 1,700 feet long. Modeling indicates that up to one foot of water would be spread in the basin (for groundwater recharge) during peak events. There will be no changes to the quality or volume of water routed back to Bull Creek compared to pre-construction conditions. Construction of the diversion channel and stilling basin will be open cut through vegetated areas; biological surveys did not identify any sensitive or protected species in the project area.

b) A parapet wall will be constructed between the confluence and diversion channel. (July 2013 → September 2013)

c) Diversion structure and channel tie-in (May 2016 → September 2016)

The new diversion structure, which will consist of a concrete box channel, will be constructed approximately 1,500 feet south of the southern end of the realigned portion the Bull Creek channel. It will include a stepped chute energy dissipation structure to reduce the energy of the storm water flow as it enters the LSFDB. The diversion structure will only divert excess storm water flows during peak storm events to the LSFDB.

d) Spillway modifications (December 2014 → April 2015)

The Lower San Fernando Dam spillway, which is 50 feet wide, will be widened to 100 feet to accommodate the peak event. Also, the downstream spillway channel will be improved to safely convey the flow downstream away from the dam embankment.

3. Upper San Fernando Detention Basin (USFDB)

Outlet modifications (October 2015 → November 2015)

The outlet to the USFDB will be modified with a new trash rack to prevent clogging.

4. Middle Debris Basin (MDB)

a) Dike B (November 2015 → May 2016)

In order to contain flows during a maximum precipitation event within the unchannelized portion of Bull Creek, and to prevent overtopping of the existing dike that protects the basin at the north end of the Dike B, approximately 2,960 feet in length, will be modified by raising about 1,500 feet of the dike by up to 7 feet, and constructing a new 300-foot long spillway from the MDB to the Upper San Fernando Detention Basin. The embankment will be protected with riprap.

b) Parapet wall (April 2016)

As described above, to prevent flows during a maximum precipitation event from overtopping the dike, a parapet wall will be constructed on top of the dike.

c) Overflow structure (December 2015 → April 2016)

The Lower Debris Basin presently provides a large volume of storage for retention of storm water flows and debris settlement from surrounding watersheds. Once the Los Angeles Reservoir spillway and basin are removed from service, the Lower San Fernando Detention Basin will function to regulate storm water flows downstream and allow sediments to settle out.

There will be no impact or change in discharges to Bull Creek Extension Channel, which is tributary to the Los Angeles River.

7. Federal Agency/Permit:	U.S. Army Corps of Engineers NWP No. 33
8. Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement

ATTACHMENT A

Project Information
File No. 12-101

9. California Environmental Quality Act Compliance:	The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
10. Receiving Water:	Upper Bull Creek (Hydrologic Unit No. 405.21)
11. Designated Beneficial Uses:	MUN*, GWR, REC-1, REC-2, WARM, WILD *Conditional beneficial use
12. Impacted Waters of the United States:	Non-wetland waters (unvegetated streambed): 7.80 temporary acres
13. Dredge Volume:	None
14. Related Projects Implemented/to be Implemented by the Applicant:	Several hydraulic structures and conveyance facilities will be upgraded and reconstructed to comply with the Long Term 2 Enhanced Surface Water Treatment Rule and to accommodate design storm flows up to the Probable Maximum Flood adopted by the California Department of Water Resources, and Division of Safety of Dams, which oversees and regulates the operation and maintenance of the basins within this complex. In addition, the goal of the upgraded facilities and Bull Creek widening and realignment will improve storm water treatment and retention.
15. Avoidance/ Minimization Activities:	The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following: • Water quality impacts will be avoided by following the Storm Water Pollution Prevention Plan (SWPPP). • Work will not occur during rainfall events. • Scheduling has been employed to reduce impacts to the channel and any storm flows.
16. Proposed Compensatory Mitigation:	The Applicant has not proposed any additional compensatory mitigation.

17. Required Compensatory Mitigation:	The proposed project will provide water quality improvements as well as additional infiltration. Therefore, 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. 12-101

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. **15**, 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.

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. 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.

8. All waste 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 regarding the disposal of solid wastes.

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. 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. 2011-0002-DWQ and 2004-0009-DWQ.

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 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.

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

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. 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.

19. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1st** of the year following this issuance of 401 Certification or **Annual Monitoring Reports** until project area restoration has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. 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 areas;

    (c) The overall status of project including a detailed schedule of whether or not work has begun on the Project;

    (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.

20. 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.

21. 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)"

22. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number 12-101**. Submittals shall be sent to the attention of the 401 Certification Unit.

23. 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.

24. 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. R4-2012-0175. 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.

25. 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.

26. 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.

27. *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.

28. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.