



Los Angeles Regional Water Quality Control Board

Mr. Sree Kumar  
Los Angeles County Flood Control District  
900 S. Fremont Ave, Annex Building 2<sup>nd</sup> Floor  
Alhambra, California 91802-1460

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7008 1830 0004 3360 1134

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SOFT-BOTTOM CHANNEL REACH 114 ANNUAL MAINTENANCE AND USACE LEVEE SAFETY PROJECT (Corps' Project No. 2015-00258-BLR), LOS ANGELES RIVER, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 15-038)**

Dear Mr. Sree Kumar,

Board staff has reviewed your request on behalf of Los Angeles County Flood Control District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 12, 2015.

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 CarrilloZara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

October 16, 2015  
Date

## DISTRIBUTION LIST

Siya Araumi  
Los Angeles County Flood Control District  
900 S. Fremont Ave, Annex Building 2<sup>nd</sup> Floor  
Alhambra, California 91803

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

Matt Chirdon  
(via electronic copy)  
California Department of Fish and Wildlife  
Streambed Alteration Team  
3883 Ruffin Rd Suite A  
San Diego, CA. 92123-4813

Bonnie Rogers  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

Elizabeth Goldmann (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street, WRT-2-4  
San Francisco, CA 94105

Melissa Scianni (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
600 Wilshire Blvd, Suite 1460  
Los Angeles, CA 90017  
213-244-1817

G. Mendel Stewart  
Johnathan Snyder  
U.S. Fish and Wildlife Service  
2177 Salk Avenue  
Carlsbad, CA 92008

ATTACHMENT A

Project Information  
File No. 15-038

1. Applicant: Mr. Sree Kumar  
Los Angeles County Flood Control District  
900 S. Fremont Ave, Annex Building 2nd Floor  
Alhambra, California 91802-1460  
  
Phone: (626) 458-4145 Fax: (626) 458-4150
2. Applicant's Agent: Siya Araumi  
Los Angeles County Flood Control District  
900 S. Fremont Ave, Annex Building 2nd Floor  
Alhambra, California 91803  
  
Phone: (626) 458-4128 Fax: (626) 458-4150
3. Project Name: Soft Bottom Channel Reach 114 Annual Maintenance and USACE  
Levee Safety
4. Project Location: Long Beach, Los Angeles County  
Soft Bottom Channel Reach 114 (SBC 114)
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.790017       | 118.206244       |
| 33.790205       | 118.204770       |
| 33.783967       | 118.204714       |
| 33.773990       | 118.204669       |
| 33.767159       | 118.204661       |
| 33.767083       | 118.206268       |
| 33.773942       | 118.206243       |
| 33.783912       | 118.206222       |
5. Type of Project: Flood control channel maintenance
6. Project Purpose: Los Angeles County Flood Control District (LACFCD) is proposing to annually access, inspect, and maintain the channel system at SBC 114 to remove vegetation and to conduct minor repairs for structural damages in order to re-establish adequate flood protection and diminish the significant risk of flooding to the adjacent residential communities.
7. Project Description: In order to comply with U.S. Army Corps of Engineers (ACOE) Levee Safety Program and assure public safety, LACFCD must

## ATTACHMENT A

### Project Information File No. 15-038

provide maintenance and repair activities including removal of vegetation overgrowth from levee side slopes and rip-rap repair work.

In the fall of 2013, the Los Angeles County Flood Control District (LACFCD) obtained a ACOE Clean Water Act Section 404 Regional General Permit (RGP) Number 41 to authorize removal of the invasive giant reed (*Arundo donax*) along a portion of SBC Reach 114, including the Los Angeles River from Pacific Coast Highway (PCH) to Anaheim Street, in the City of Long Beach. The invasive vegetation removal activities were issued Clean Water Act Section 401 Water Quality Certification under File No.13-110.

LACFCD has developed a revised maintenance plan addressing all vegetation including the invasive giant reed and which includes the entire SBC Reach 114 from PCH to Ocean Boulevard. The maintenance plan includes areas identified by the ACOE as representing deficiencies under the Levee Safety Program. There are three identified deficient locations on the west bank of the Los Angeles River, two just north of the 1-710 freeway bridge, and one approximately 700 feet south of Pacific Coast Highway. There are also four identified deficient locations on the east bank, one is approximately 800 feet north of Ocean Boulevard, while the other three are scattered between the 1-710 freeway and Anaheim Boulevard, approximately 400-600 feet south of Anaheim Boulevard.

Proposed annual maintenance activities include, but are not limited to, mechanically removing accumulated sediment and debris, and mowing the vegetation in the channel to ensure the proper functioning of the flood control infrastructure. Weeds and grasses may be controlled by mowing or hand labor, and the channel will be cleared annually to the same baseline condition.

The vegetation to be removed consists primarily of nonnative species: Chinese golden rain tree (*Koelreuteria bipinnata*), ficus tree (*Ficus* sp.), ash tree (*Fraxinus* sp.), Brazilian pepper tree (*Schinus terebinthifolius*), gum tree (*Eucalyptus* sp.), and castor bean tree (*Ricinus communis*). Native mule fat (*Baccharis salicifolia*), occur in three to four individuals in a small footprint, however they occur in an area identified by the ACOE Levee Safety Program as creating a deficiency.

## ATTACHMENT A

### Project Information

File No. 15-038

In addition, the repair work will also replace in-kind the existing side slopes, as necessary; approximately 23 cubic yards/50 tons of dirt fill, 43.4 cubic yards/100 tons of 12" riprap, and 17.8 cubic yards/25 tons of 30" riprap will be used to maintain the existing side slope grade along the channel.

The Project will also replace five (5) deteriorated storm drain flap gates located within SBC 114. The flapgates cover storm drains that flow into the Los Angeles River. UngROUTED riprap is located within the channel at the point of discharge of flows from each flapgate.

The Flap gate replacement will take place on the east bank of the Los Angeles River between Anaheim Street and Ocean Boulevard. There are two flapgate areas; the first includes four 78-inch flapgates (Project Station No. 64+76.75), located within one outlet structure approximately 1,300 feet downstream of Anaheim Street; the second project area includes one 96-inch flapgate (Project Station No. 34+73), located approximately 1,200 feet upstream of Ocean Boulevard.

A biological survey was conducted on July 30, 2014, to determine the extent of any biological impact to the marine life or surrounding ecosystems during repair of the flap gates. The July 30, 2014 survey identified one invasive species, the New Zealand mud snail (*Potamopyrgus antipodarum*) in a mudflat area, approximately 100 feet north of the four 78-inch flapgate location. This area will not be impacted or entered during construction. All maintenance activities conducted will be monitored by a qualified biologist. In the rare event the contractor comes in contact with the mud snail infestation, appropriate actions will be taken to avoid further spread of the species by implementing appropriate BMPs, which may include hot pressure-washing of any equipment and clothing during construction activity, contained within a decontamination water tarp which will be properly disposed of. If it is necessary for the maintenance crew to enter the mudflat area near the group of the four 78-inch flapgates where the New Zealand mud snail was detected, workers will follow the practices listed in the 2010 Hazard Analysis and Critical Control Point Plan (HACCP) for SBC maintenance activities within the Malibu and Santa Monica Canyon watersheds. This plan includes guidelines to prevent the spread of

# ATTACHMENT A

## Project Information File No. 15-038

the New Zealand mud snail to other aquatic habitats.

Work will be confined to the riverside of the levee slopes.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 31 (Permit No. 2015-00258-BLR)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife  
Streambed Alteration Agreement No. 1600-1999-0076-R5
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Los Angeles River (Hydrologic Unit Code: 180701050402)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET
13. Impacted Waters of the United States: Vegetated streambed: 3.159 temporary acres
- 14.
15. Dredge Volume: None
16. Related Projects Implemented/to be Implemented by the Applicant: LACFCD maintains channels throughout Los Angeles County. This project is not within the programmatic Soft-Bottom Channel maintenance Waste Discharge Requirements.
- In addition, invasive vegetation, *Arundo donax*, removal activities were authorized in SBC 114 under ACOE RPG 41 and Water Quality Certification File No.13-110 in Fall of 2013.
17. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A debris fence at the base of the slope along the river will be installed and sand bags, or stop logs along the base of the work site will be used to prohibit dust/debris from leaving the site that could later find its way into the watercourse.
  - All work will take place during a five day clear forecast and at low tide to ensure minimal impacts to any aquatic species

## ATTACHMENT A

### Project Information File No. 15-038

- A qualified biological monitor will be available on-site if necessary
- All work will be scheduled to occur outside of bird nesting season. If necessary to conduct work within nesting bird season (March 15 - August 31), vegetation that provides potentially suitable habitat for nesting will be surveyed weekly by a biologist within 48 hours of the start of work. Work will only proceed once the biologist has confirmed that no nesting birds are present. If a nest is discovered, an appropriate buffer determined by the biologist will be designated and demarked with flagging for crews to avoid
- If it is necessary for the maintenance crew to enter the mudflat area near the location where the New Zealand mud snail was detected during the July 30, 2014 biological survey, workers will follow the practices listed in the HACCP for SBC maintenance activities within the Malibu and Santa Monica Canyon watersheds. This plan includes guidelines to prevent the spread of the New Zealand mud snail to other aquatic habitats.

18. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any compensatory mitigation.

19. Required  
Compensatory  
Mitigation:

The Regional Board will not require compensatory mitigation as this reach has been maintained since it was engineered prior to adoption of the Clean Water Act.

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. 15-038

#### 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 Wildlife's (CDFW) 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 CDFW'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, the maintenance plan and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

## ATTACHMENT B

### Conditions of Certification

File No. 15-038

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 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 for further information regarding the disposal of solid wastes.
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.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the

## ATTACHMENT B

### Conditions of Certification

File No. 15-038

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. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. 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.
17. 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.

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.

18. 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.
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

## ATTACHMENT B

### Conditions of Certification File No. 15-038

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 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours.
21. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification has been achieved and documented. The Annual Reports shall describe in detail all of the project 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;

## ATTACHMENT B

### Conditions of Certification

File No. 15-038

- (b) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
  - (c) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
  - (d) A certified Statement of "no net loss" of wetlands associated with this project;
  - (e) Narrative and photo documentation of any BMP installations during and post-project maintenance activities;
  - (f) Evaluation of the effectiveness of BMPs utilized based on field observations and water quality monitoring data required;
  - (g) Photo documentation of any vegetation left within maintenance areas immediately following maintenance clearing (including acreage);
  - (h) Documentation of estimates of volumes of vegetation removed from the project areas including an analysis of inter-annual trends in vegetation loads by reach;
  - (i) Documentation of estimates of volumes of trash removed from the project areas including an analysis of inter-annual trends in trash loads by reach;
  - (j) Documentation of estimates of volumes of sediment removed from the project areas including an analysis of inter-annual trends in sediment loads by reach;
  - (k) Biological information including baseline biological surveys and post-surveys;
  - (l) A certified statement of "No Net Loss" of Wetlands Associated with this project;
  - (m) Discussion of any monitoring activities and exotic plant control efforts; and
  - (n) Description of all outreach activities in the previous year.
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.



## ATTACHMENT B

### Conditions of Certification

File No. 15-038

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.
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 at least 90 days prior to termination of this Certification if renewal is requested.