



Los Angeles Regional Water Quality Control Board

Mr. Sree Kumar
Los Angeles Flood Control District
900 S. Fremont Ave. Annex 2nd Floor
Alhambra, Ca 91803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 9424

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SOFT-BOTTOM CHANNEL REACHES 112 & 117 ANNUAL MAINTENANCE PROJECT (Corps' Project NWP 31), BALLONA CREEK & CENTINELA CREEK, MARINA DEL REY, LOS ANGELES COUNTY (File No. 14-125)

Dear Mr. Kumar:

Board staff has reviewed your request on behalf of Los Angeles 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 February 11, 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

4-27-15
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information

File No. 14-125

1. Applicant:

Mr. Sree Kumar
Los Angeles Flood Control District
900 S. Fremont Ave. Annex 2nd Floor
Alhambra, Ca 91803
Phone: (626) 458-4145 Fax: (626) 458-4150

Ms. Jemellee Cruz
Los Angeles Flood Control District
900 S. Fremont Ave. Annex 2nd Floor
Alhambra, Ca 91803
Phone: (626) 458-4170 Fax: (626) 458-4150

2. Project Name:

Soft-bottom Channel Reaches 112 & 117, Annual Maintenance

3. Project Location:

Marina Del Rey, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.986970	118.415848
33.986630	118.415579
33.980722	118.424186
33.980655	118.423362
33.979672	118.423135
33.979492	118.423076
33.979642	118.424490
33.978993	118.425350

4. Type of Project:

Soft-bottom Channel (SBC) Annual Maintenance

5. Project Purpose:

Annually remove trash, debris and vegetation at SBC 112 and 117 to maintain the channel systems and control vector nuisance issues resulting from sediment accumulation and vegetation growth.

6. Project Description:

The Los Angeles County Flood Control District (LACFCD) will restore SBC Reaches 112 and 117 to design capacities, and then they will be maintained annually. Proposed annual maintenance activities include, but are not limited to, mechanically removing accumulated sediment and debris, mowing the vegetation in the channel to ensure the proper functioning of the flood control infrastructure, and repair work to perform maintenance as needed. Weeds and grasses may be controlled by mowing or hand labor, and the channels will be cleared annually to the same baseline.

ATTACHMENT A

Project Information

File No. 14-125

condition.

LACFCD will remove the vegetation on the riverside slopes of Ballona Creek (SBC Reach 112). Due to differences in vegetation types and water quality, channel clearing work will involve different methods of trash, debris, and vegetation removal using hand and hand-held mechanical tools and/or heavy equipment, as necessary, to clear the "upper" channel section and the "lower" channel section. Inspection and minor repairs of riprap and concrete levees and maintenance of outlet structures will also be conducted throughout the channel reach as necessary.

The upper channel section of SBC Reach 112 includes the segment between Centinela Avenue and the Marina Freeway (Fwy 90), which also coincides with the California Coastal Commission's upstream Coastal Zone boundary limit. Vegetation in the upper channel section will be removed annually, as necessary, by hand and heavy equipment. Vegetation in the lower channel section will be removed annually, as necessary, using hand and hand-held mechanical tools.

Within the Soft Bottom Channel Reach 117 (Centinela Creek) LACFCD will inspect and mechanically remove debris, invasive (non-native) vegetation, and root systems in this 422 linear-foot channel reach to ensure proper functioning of the flood control infrastructure. Minor repair of riprap and concrete levees and maintenance of outlet structures will also be conducted throughout the channel reach, as necessary.

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|---|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 31 |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Wildlife
Amendment of Streambed Alteration Agreement No. 1600-1999-
0076-R5 Submitted October 13, 2014 |
| 9. California
Environmental Quality
Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant
to the CEQA Guidelines, Section 15301 Existing Facility |
| 10. Receiving Water: | Ballona Creek Reach 2 (Hydrologic Unit Code: 180701040200) |

ATTACHMENT A

Project Information

File No. 14-125

11. Designated Beneficial Uses: MUN*, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (streambed): 2.035 permanent acres (2674 linear feet)
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: LACFCD maintains 100 SBCs under Waste Discharge Requirements Order No. R4-2015-0032 (File No. 99-011). The SBCs in this certification may be included in future WDRs for File No. 99-011, if appropriate.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Clearing activities in the lower channel section will be limited to trash, debris, and non-native invasive vegetation removal using hand and/or hand-held mechanical equipment.
 - Clearing activities in the upper channel section will be include trash, debris, and non-native invasive vegetation removal using hand and/or hand-held mechanical equipment as well as heavy equipment as necessary.
 - To avoid impact to special status plant species identified by federal, State, or regional agencies (determined by the California Natural Diversity Database and/or California Native Plant Society), special status plants will be flagged for avoidance by a qualified biologist during a pre-clearing survey. If present, a Biologist will monitor activities taking place within or immediately adjacent to the identified special status plants.
 - All work will be scheduled to occur outside of bird nesting season. If necessary to conduct work activities within the bird nesting season (generally defined as March 15 through August 31), a qualified Biologist will conduct a nesting bird survey within all potentially suitable habitat within and surrounding the activity area within 72 hours of the anticipated start date. If an active nest is found or nesting activities are observed, an appropriate buffer determined by the Biologist will be designated

ATTACHMENT A

Project Information File No. 14-125

and demarked with flagging for crews to avoid. Project activities will be conducted as recommended by the Biologist to avoid the nest or minimize impact to the nesting activities. Work in this area will only proceed once the Biologist has confirmed that nesting activity has ceased. If no nesting activity is detected during the initial survey, work activities may commence. If work activities are discontinuous for greater than 72 hours, the nesting bird survey will be repeated.

- To prevent sediment disturbed as a result of vegetation removal in the upper reach from entering the lower reach, a 500-foot floating boom will be installed prior to the commencement of work activities. Crews will remove floating debris once work in the upper reach has been completed, and the boom will be removed.
- Access routes and staging areas will be located within pre-existing access roads or disturbed areas. Equipment will be staged outside the streambed within the designated staging area.
- Equipment and materials will be stored and fueled within the designated staging area.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation. The project activities are temporary in nature. Vegetation regrows each year prior to clearing and all wetlands and other defined jurisdictional features will remain throughout the life of the project. In addition, the vegetation proposed for removal includes only non-native, exotic, invasive species.

17. Required
Compensatory
Mitigation:

The Regional Board will not require 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. 14-125

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. 15, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the 2015 Proposed 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. 14-125

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.
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 target species and habitat. All pesticides directed toward aquatic species must be approved

ATTACHMENT B

Conditions of Certification

File No. 14-125

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 grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
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.
18. 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.
19. 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.
20. 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,

ATTACHMENT B

Conditions of Certification File No. 14-125

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.

21. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by May 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 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 whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;

ATTACHMENT B

Conditions of Certification
File No. 14-125

- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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, 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 14-125**. Submittals shall be sent to the attention of the 401 Certification Unit.

ATTACHMENT B

Conditions of Certification

File No. 14-125

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. R4-2012-0175. 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. 2012-0011-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.
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

ATTACHMENT B

Conditions of Certification

File No. 14-125

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 **one (1) year** 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.