

Los Angeles Regional Water Quality Control Board

Mr. John Molinar City of Burbank Dept. of Public Works 124 S. Lake Street Burbank, CA 91502 VIA CERTIFIED MAIL RETURN RECEIPT REQESTED No. 7008 1140 0002 8671 9462

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED BURBANK DEBRIS BASIN MAINTENANCE PROJECT (Corps' Project No. 2015-00383-PKK), LA TUNA CANYON LATERAL AND BURBANK WESTERN CHANNEL (TRIBUTARY OF LOS ANGELES RIVER REACH 3), CITY OF BURBANK, LOS ANGELES COUNTY (File No. 15-076)

Dear Mr. Molinar:

Board staff has reviewed your request on behalf of City of Burbank Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 21, 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 Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger, P.E. Executive Officer

Oct. 2, 2

Date

DISTRIBUTION LIST

David Hughes (via electronic copy) BonTerra Psomas 225 S. Lake Avenue, Suite 1000 Pasadena, CA 91101

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

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

Pamela Kostka (via electronic copy) U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District 915 Wilshire Blvd., Suite 1101 Los Angeles, CA 90017

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

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

Project Information File No. 15-076

1. Applicant:

City of Burbank Department of Public Works

124 S. Lake Street Burbank, CA 91502

Phone: (818) 238-3800

2. Applicant's Agent:

BonTerra Psomas

225 S. Lake Avenue, Suite 1000

Pasadena, CA 91101

Phone: (626) 351-2000

3. Project Name:

Burbank Debris Basin Maintenance

4. Project Location:

City of Burbank, Los Angeles County

<u>Latitude</u>	Longitude
34° 12' 13.28"	118° 18' 50.41"
34° 12' 26.44"	118° 19' 04.26"
34° 12' 51.57"	118° 20' 07.31"
34° 12' 37.27"	118° 18' 12.60"
34° 12' 14.09"	118° 17′ 46.89″
34° 12' 29.76"	118° 17' 58.03"
34° 12' 47.99"	118° 18' 13.95"
34° 12' 30.43"	118° 18' 24.46"
34° 12' 25.67"	118° 18' 27.53"
34° 12' 45.20"	118° 18' 19.94"
34° 12' 20.13"	118° 18' 58.58"
34° 13' 14.14"	118° 20' 06.18"
34° 13' 10.22"	118° 19' 57.61"
34° 13' 06.30"	118° 19' 49.73"
34° 13' 01.30"	118° 19' 41.89"
34° 12' 52.71"	118° 19' 40.05"
34° 12' 59.47"	118° 19' 39.87"
34° 12' 56.12"	118° 19' 34.17"
34° 13' 13.29"	118° 20' 11.11"
34° 12' 54.05"	118° 20' 03.94"

5. Type of Project:

Debris basin maintenance

Project Information File No. 15-076

6. Project Purpose:

The purpose of the proposed project is to remove sediment and vegetation within 20 flood control basins to restore the original designed capacity of these facilities.

7. Project Description:

The City of Burbank (City) will perform long-term maintenance of City debris basins for the purpose of maintaining the individual debris basins design capacity and to make any necessary repairs to these facilities on an as needed basis throughout the duration of this Certification. Implementation of the project will involve:

- 1. Routine excavation and removal of silt and debris to restore the capacity to each basin's original design elevations. The silt and debris will be transported to Burbank Landfill No. 3 for appropriate disposal and/or use;
- 2. Periodic mowing and removal of vegetation; and
- 3. Periodic repairs to inlets and outlets, spillways, dams; wooden debris fencing and other fencing; signage, stand pipes and their associated drainage systems; and other debris basin structures, access roads, and equipment and material staging areas. It should be noted that the amount of silt and debris removal will vary from year to year and will depend on a number of factors, including fire events, the amount of precipitation received in a given year, and duration of seasonal storms.

The removal of silt and debris will be accomplished through the use of a one-track front-end loader and a dump truck. A swamp cat may also be required for wetter basin areas. All debris will be transported to the Burbank Landfill No. 3 for appropriate disposal. No stockpiling on site is proposed to occur.

Ongoing maintenance of the basins will serve to protect the downstream drainage system facilities. No drainage will be altered beyond the original design depths and widths.

The list of facilities to be maintained will include the following:

Project Information File No. 15-076

Facility	25% contour (acres)		
D-1	0.52		
D-2	0.03		
D-3	0.05		
D-3 channel	0.32		
D-4	0.49		
D-5	0.57		
D-6	0.23		
D-7	. 0.07		
D-9B	0.01		
D-11	0.08		
Luau	0.03		
CAY-A	0.14		
CAY-B	0.25 .		
CAY-C	0.21		
CAY-D	0.14		
CAY-E	0.17		
CAY-F	0.03		
CAY-G	0.03		
САҮ-Н	0.04		
CAY-J	0.15		

(See Attachment C: Impact Exhibits for full detail)

8. Federal Agency/Permit:

U.S. Army Corps of Engineers Regional General Permit No. 45 (Permit No. 2015-00383-PKK)

9. Other Required Regulatory Approvals:

California Department of Fish and Wildlife Streambed Alteration Agreement (file 1600-2015-0092-R5)

10. California
Environmental Quality
Act Compliance:

On April 14, 2008, a Mitigation Negative Declaration was approved for the proposed project.

Project Information File No. 15-076

11. Receiving Water:

Receiving water from La Tuna Canyon Lateral and Burbank Western Channel (Hydrologic Unit Code: 180701050208)

Los Angeles River Reach 3 (Hydrologic Unit code: 180701050402)

12. Designated Beneficial Uses:

La Tuna Canyon Lateral MUN*, GWR, REC-1, REC-2, WARM, WILD

Burbank Western Channel MUN*, REC-1, REC-2, WARM, WILD

Los Angeles River Reach 3 MUN*, IND, GWR, REC-1, REC-2, WARM, WILD, WET

*Conditional beneficial use

13. Impacted Waters of the United States:

Federal jurisdictional wetlands: 0.91 temporary acres

Non-wetland waters (streambed): 2.65 temporary acres

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.

16. Avoidance/
Minimization
Activities:

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

- Maintenance activities will be scheduled to minimize work during the seasonal rainy period in southern California (November 1 through April 1).
- No work will occur within jurisdictional waters when surface water is present or within 48 hours prior to forecasted rainfall.
- Silt fences and sand bags will be installed around stand pipes or downstream work limits to prevent sediment or muddy water from entering downstream storm channels.
- · Sediment tracking shall be checked, and swept or vacuumed

Project Information File No. 15-076

daily. This will be performed along all paved surfaces to minimize potential sediment that may erode during wind and rain events.

- 17. Proposed
 Compensatory
 Mitigation:
- The Applicant has not proposed any additional compensatory mitigation, as all impacts from the proposed maintenance are temporary.
- 18. Required
 Compensatory
 Mitigation:

Due to the temporary nature of the proposed impacts, and the removal of invasive and exotic vegetation, the Regional Board will not require any compensatory mitigation.

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

Conditions of Certification File No. 15-076

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, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

Conditions of Certification File No. 15-076

- 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 Section 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

Conditions of Certification File No. 15-076

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. 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.
- 16. 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.
- 17. 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.
- 18. 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

Conditions of Certification File No. 15-076

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.

- 19. 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 and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
- 20. The Applicant shall submit to this Regional Board Annual Monitoring Reports (Annual Reports) by January 1st of each year for a minimum period of five (5) years following this issuance of 401 Certification or until project completion 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; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including 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;

Conditions of Certification File No. 15-076

- (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.
- 21. 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.
- 22. 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)
			<u> </u>	(Title)"

Conditions of Certification File No. 15-076

- 23. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 15-076. Submittals shall be sent to the attention of the 401 Certification Unit.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.

28. 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.

Conditions of Certification File No. 15-076

- (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.
- 29. 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.

ATTACHMENT C Impact Exhibits

File No. 15-076

































