



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Ed Dingman
County of Los Angeles Department of
Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6110

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR
PROPOSED KANAN ROAD OVER SIERRA CREEK PROJECT (Corps' Project No.
2015-00470-JMV), SIERRA CREEK (TRIUNFO CREEK TO MALIBU LAKE), CITY OF
LOS ANGELES, LOS ANGELES COUNTY (File No. 15-064)**

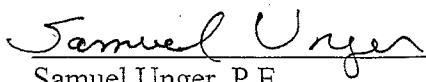
Dear Mr. Ed Dingman:

Board staff has reviewed your request on behalf of County of Los Angeles 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 May 2, 2016.

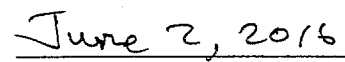
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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 Dana Cole, Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer



Date

DISTRIBUTION LIST

Jenea Russell
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Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Avenue
Carlsbad, CA 92008

ATTACHMENT A

Project Information
File No. 15-064

1. Applicant: Mr. Ed Dingman
County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331
Phone: (626) 458-3933 Fax: (626) 458-3192
2. Applicant's Agent: Janea Russell
County of Los Angeles Department of Public Works
Programs Development Division, 11th Floor
P.O Box 1460
Alhambra, CA 91802-1460
Phone: (626) 458-5957
3. Project Name: Kanan Road Over Sierra Creek
4. Project Location: Los Angeles, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.117983 | 118.784808 |
| 34.118001 | 118.784747 |
| 34.118068 | 118.784761 |
| 34.118065 | 118.784900 |
| 34.117992 | 118.784777 |
| 34.118042 | 118.784749 |
| 34.118067 | 118.784811 |
| 34.118039 | 118.784889 |
5. Type of Project: Culvert and outlet repair
6. Project Purpose: The propose project (Project) will repair the eroded outlet end of the existing culvert.
7. Project Description: The scope of work at the culvert outlet consists of constructing un-grouted rip-rap at a depth of three- to five-feet over a six-inch layer

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of sand and restoring ten linear feet of compacted fill beyond the un-grouted rip-rap with a maximum three to one slope. Native soil, if additional soil is needed, will be imported from nearby. The 18- to 27-inch diameter un-grouted rip-rap will be placed in a mixed fashion to reduce air gaps. The maximum excavation depth associated with the project is five and one-half feet. All work will occur within existing right-of-way and within the existing drainage easement.

All staging will take place on Kanan Road. All work will occur within existing right-of-way, and the project site will be accessed from Kanan Road. Equipment used to complete the work will be a 26-series boom truck, a crane, a 27-series dump truck, a 13-series utility truck, and 305 mini excavators on rubber track. All materials and some equipment will be hoisted from Kanan Road shoulder with a crane as needed. Equipment such as the excavator will need drive into the creek from the south end of the Kanan Road bridge.

Construction activities will occur during dry weather conditions and are estimated at maximum to take three to four week in duration. This is a longer window that expected, but allows for unforeseen contingencies (i.e., weather or circumstances permitting).

The mini-excavator will need to enter the creek by driving down the stream bank, upstream of the culvert inlet and south of the bridge. Some vegetation will be driven over and crushed during this activity. Once the excavator is in place, a crane will be used to lift materials including rip-rap, from the staging area on Kanan Road down to the stream at the upstream end of the culvert. The mini-excavator will be used to haul loads of materials through the culvert due to obstructions (trees and overhead powerlines) on the north side of the culvert.

The crane will be staged on the south side of the culvert. Materials will be carried over to the north side of the culvert by the mini excavator and through the culvert, and at both ends.

If water is present within the creek, sandbags, absorbent socks, and plastic will be used to divert flows to prevent pollution, siltation, and maintain normal downstream flows and minimizing flooding. Any diversion materials used will be placed in a manner that will not be eroded by expected high flows, and will be removed

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completely following completion of the repair work.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. 2015-00470-JMV)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction. The County of Los Angeles filed a Notice of Exemption with the State Clearinghouse on April 26, 2016.
11. Receiving Water: Receiving water from Sierra Creek (Triunfo Creek to Malibu Lake), Malibu Creek Watershed (Hydrologic Unit Code: 180701040104)
12. Designated Beneficial Uses: MUN*, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (Streambed, unvegetated): 0.040 temporary acres (90 linear feet).
Non-wetland waters (Streambed, vegetated): 0.038 temporary acres, 51 linear feet, and 0.013 permanent acres (19 linear feet).
14. 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.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Sediments shall not be discharged to receiving waters.

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- Sediments generated on the Project site shall be contained within the project site.
- Construction related materials will not be discharged from the project site to receiving waters.
- Runoff from equipment, vehicle washing, or any other activities shall be contained.
- Sandbags, absorbent socks, and plastic will be used to divert flows to prevent pollution, siltation, and to maintain normal downstream flows.
- Diversion materials used will be placed in a manner that will not be eroded by expected high flows.
- Diversion materials will be removed completely following completion of the repair work.
- Diversion materials will consist of sandbags, absorbent socks, and plastic.
- Weather forecast will be monitored during construction activities.
- If rainfall is predicted, soil stabilization and sediment controls will be implemented on all disturbed areas prior to the onset of rain.
- No construction activities will occur during a rain event.
- Water diversion will be diverted by dike, water pump, and hoses will transfer the water around the work zone.
- All work will cease in an unexpected rain event.
- A pre-construction meeting will be held to inform the construction crew of the required conditions for the project.
- A qualified biological monitor will be present during initial project activities to monitor for non-listed special-status and common ground-dwelling vertebrates within the footprint of

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project activities.

- If wildlife is encountered during the course of construction, the wildlife will be allowed to leave the construction area unharmed.
- If any listed wildlife is encountered, the California Department of Fish and Wildlife will be contacted immediately.
- The outer perimeter of the work area will be demarcated to prevent damage to adjacent habitat and to provide visual orientation of the project limits.
- If construction occurs within migratory bird season, the project site will be surveyed by a qualified biologist prior to construction.
- If nesting season cannot be avoided and activities occur between February 1 to September 1 (January 1 to June 30th for Raptors) in order to minimize impacts to nesting birds, a 300 foot avoidance buffer shall be implemented for all passerine birds and 500 foot minimum avoidance buffer for all raptor species.
- The breeding habitat and nests sit will be fenced and flagged in all directions.
- The flagged area shall not be disturbed until:
 - (1) The nest becomes inactive;
 - (2) the young have fledged;
 - (3) the young are no longer being fed by the parents;
 - (4) the young have left the area or;
 - (5) the young will no longer be impacted by the project.
- Vehicles shall not be driven or equipment operated in water-covered portions of a stream, or where wetland vegetation, riparian vegetation, or aquatic organisms may be harmed or destroyed.
- All tools, waders, boots, vehicles, and other equipment that will enter the streambed shall be decontaminated prior to entering and exiting the project site and between each use in different water bodies to avoid the introduction and transfer of organisms

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between waterbodies.

16. Proposed
Compensatory
Mitigation:

None

17. Required
Compensatory
Mitigation:

The Applicant shall provide 0.077 acres of vegetated streambed riparian habitat as compensatory mitigation. This Regional Board will not require compensatory mitigation for temporary impacts in the concreted portion (0.040 acres, 90 linear feet) of the culvert. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification File No. 15-064

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 submitted to this Regional Board copies of final permits and agreements required for this project which include the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit (**Non-Reporting NW 3**) and the California Department of Fish and Wildlife's (CDFW) **Streambed Alteration Agreement** on April 27, 2016.
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, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All 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. 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.

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14. 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.
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.

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.

17. All project and construction 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

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- 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.

19. The Applicant shall restore **0.078 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, if necessary.
20. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.038 acres** of waters (Streambed, vegetated) of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.038 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.013 acres** of vegetated streambed within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **3:1** area replacement ratio (**0.039 acres**). If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.077 acres** of riparian habitat within waters of the United States in part or whole, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Malibu Creek Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
 - (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
 - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)

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(d) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

21. The Applicant shall submit to this Regional Board **Annual Mitigation 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 mitigation and project success and 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 and answered appropriately whether or not mitigation has been performed:
- (a) Color photo documentation of the pre- and post-project and mitigation 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;
 - (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.

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- (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 **15-064**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 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.
- 27. The project shall 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.
- 28. 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

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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.

29. 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.
30. *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.
31. 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.

