



Enforcement News

Los Angeles Regional Water Quality Control Board
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L.A. Regional Water Board, U.S. Army Corps of Engineers Reach Settlement Over Clean Water Act Violations

Agreement lays out Guidelines for Future Work in Los Angeles County Drainage Area

FOR IMMEDIATE RELEASE
July 24, 2017

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LOS ANGELES – The Los Angeles Regional Water Quality Control Board and the U.S. Army Corps of Engineers have reached a settlement agreement over alleged violations of the Clean Water Act related to two dredge and fill operations conducted by the Army Corps in the Los Angeles River and its tributaries. The alleged violations took place between 2011 and 2012.

As part of the settlement, the Los Angeles Water Board and the Army Corps entered into a Memorandum of Understanding (MOU) that lays out regulatory processes, guidelines, and best management practices for future work in the Los Angeles County Drainage Area (LACDA), which is managed by the Army Corps. The Army Corps operates six flood risk management facilities, and approximately 34 miles of flood control channels and levees within L.A. County.

“We are pleased to reach an agreement with the Army Corps of Engineers that protects the water quality and environment of the Los Angeles River and its tributaries,” said Irma Muñoz, chair of the Los Angeles Water Board. “With this agreement we look forward to an open and communicative process, and to work with the Army Corps on projects in the Los Angeles County Drainage Area that protect the health and wellbeing of our communities.”

The first alleged violations of the Clean Water Act took place at Verdugo Wash, which is a tributary of the L.A. River in Glendale, in an area known as the Glendale Narrows. Between Oct. 24 and Nov. 7, 2011, the Army Corps dredged 6.5 acres in Verdugo Wash, including the confluence of the Wash and the L.A. River. The Army Corps did not acquire Clean Water Act



Section 401 state water quality certification from the Los Angeles Water Board to do this work, and the Board was not made aware of this project until Jan. 13, 2012.

On Dec. 29, 2012, the Los Angeles Water Board learned the Army Corps removed riparian vegetation along Haskell Creek, a tributary to the L.A. River located in the Sepulveda Basin in December 2012, without state water quality certification. The Army Corps also conducted dredge and fill operations in the L.A. River itself during this time period. The Basin is a 2,000-acre flood management basin and wildlife reserve located on the upper portion of the L.A. River in the San Fernando Valley in L.A. County.

In both instances, the Army Corps used heavy equipment to remove vegetation, and it is alleged that during both dredge and fill operations little was done to mitigate the discharges of oil, grease and other pollutants into these waters. These two activities are also alleged to have discharged sediment into the L.A. River that could affect water quality and aquatic life and wildlife habitat. Excessive discharges of sediment can limit sunlight from entering the water and in turn inhibit the growth of aquatic plants and destroy spawning habitats for bottom-dwelling organisms and larval fish.

The Los Angeles Water Board's complaint sought a court order declaring the Army Corps' discharge activities without state water quality certification violations of the Clean Water Act, and directing the Army Corps to comply with the Clean Water Act, including ceasing all dredge and fill operations and discharges of pollutants into the L.A. River and its tributaries unless it obtains a valid state certification for each operation, or demonstrates compliance with the Clean Water Act.

Under the MOU, the Army Corps agrees to notify the Los Angeles Water Board by Oct. 31 of each federal fiscal year with a list of the planned LACDA projects and the operation, maintenance, repair, replacement and rehabilitation activities for that year. Depending on the project, the Corps will also provide between 45-75 days advance notice prior to commencing the activity. Along with the notifications, the Army Corps will work collaboratively with the Board and use accepted best management practices to reduce the amount of pollutants and sediment discharged into the L.A. River and its tributaries.

To learn more about the settlement, visit the Los Angeles Water Board's [enforcement webpage](#).

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