



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Dale Sakamoto
County of Los Angeles, Public Works
900 South Fremont Avenue, 11th Floor
Alhambra, California 91803

WATER QUALITY CERTIFICATION FOR PROPOSED TERMINO AVENUE DRAIN PROJECT (Corps' Project No. 2007-230-PHT), LOS CERRITOS CHANNEL, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 08-069)

Dear Mr. Sakamoto:

Board staff has reviewed your request on behalf of County of Los Angeles, Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete October 8, 2008.

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.

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.

[Original Signed By]

October 9, 2008

Tracy J. Egoscue
Executive Officer

Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 08-069

1. Applicant: Dale Sakamoto
County of Los Angeles, Public Works
900 South Fremont Avenue, 11th Floor
Alhambra, California 91803

Phone: (626) 458-3915

2. Applicant's Agent: Eric Wilson
EDAW, Incorporated
515 South Flower Street, 9th Floor
Los Angeles, CA 90071

Phone: (213) 593-8308 Fax: (213) 593-7715

3. Project Name: Termino Avenue Drain Project

4. Project Location: Long Beach area, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
-118.130072	33.767771
-118.129981	33.767768
-118.129883	33.767764
-118.129792	33.767762
-118.129805	33.767533
-118.129886	33.767536
-118.129962	33.767539
-118.130026	33.767535

5. Type of Project: Storm drain construction

6. Project Purpose: The proposed project (Project) will construct a storm drain to alleviate flooding problems in the area and to accommodate water flows during a 50-year flood event.

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7. Project Description:

The Project is located in the southern portion of the San Gabriel River watershed, which has historically experienced flooding problems. In 1995, severe flooding of up to 5 feet caused extensive property damage in the southern portion of the watershed. In addition, portions of the watershed are located in a special flood hazard area as designated by the Federal Emergency Management Agency (FEMA). In 1983, the City amended its General Plan with the adoption of FEMA maps, which indicate the areas subject to flooding in 100- and 500-year frequency flood events. The existing drainage system in this portion of the watershed is not sufficient to convey the maximum runoff that will be generated in a 50-year flood event.

Two potential outlet structure locations (Colorado Lagoon and Marine Stadium) were considered to address the potential flooding. A comprehensive hydrology and water quality analysis was prepared to evaluate potential project impacts to Colorado Lagoon and Marine Stadium. In addition, a detailed inspection of the tidal culvert was completed.

After input from the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, U.S. Army Corps of Engineers, and the California Coastal Commission regarding the potential benefits and impacts associated with the alternatives, the Marine Stadium option was selected for the proposed project.

In the Marine Stadium option, instead of a storm drain system that will convey storm water flows to an outlet at the Colorado Lagoon, the proposed project will bypass Colorado Lagoon and all storm flows will be diverted directly into Marine Stadium. The project also will include a low-flow diversion and storm drain catch basin screens to improve water quality.

The proposed project will involve the construction of a storm drain mainline, six lateral drains, low flow treatment pump station, and an outlet to Marine Stadium. In addition, catch basin screens will be installed in all catch basins to capture suspended solids and water-borne litter and debris before they enter the storm drain system. The proposed project will contain two key components described below.

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Storm Drain to Marine Stadium

This component will include the construction of a 12,190 linear-foot storm drain to accommodate the 50-year frequency storm of 703 cubic feet per second (cfs). The mainline will consist of 8,090 linear feet of storm drain conduit from the terminus at Termino Avenue and Anaheim Street to Marine Stadium and will connect to the existing drainage system at various locations. In addition to the mainline, the proposed drain will include six lateral lines totaling 4,100 linear feet of conduit. Except for the outlet structure, the entire drain will be constructed underground in City streets and former Pacific Electric Railroad right-of-way.

The outlet structure will be a double box culvert and will emerge from under the sidewalk that surrounds Marine Stadium and will extend 47 feet into the waters of Marine Stadium. This box culvert outlet will be 9-foot by 8-foot, double reinforced concrete with head walls and wing walls. The width of the outfall opening will be approximately 21 feet at the head wall. The outlet structure will include energy dissipater blocks to reduce the velocity of stormwater from the box culvert.

Approximately 560 cubic yards of rip rap and native soil material from Marine Stadium will be excavated in order to construct the outlet structure. Construction of the outlet structure in Marine Stadium will involve constructing a temporary coffer dam around the proposed construction zone.

Construction of the coffer dam will require installation of sheet piling that will extend approximately 60 feet into Marine Stadium from the edge of existing pavement. The temporary construction easement will extend approximately 34 feet to the north of the proposed outlet structure centerline and 48 feet south of the centerline. The cofferdam will be constructed of interlocking metal sheet piles that extend approximately 7 feet above the surface of the water, depending on the level of the tide.

Dewatering will be required during dredging and construction operations. Water within the cofferdam will be removed during construction. The cofferdam will remain in place during the construction of the drain upstream, and removed after construction of the drain is completed.

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The impact area of work and equipment will be entirely within the dewatered area of the cofferdam. The cofferdam will be within the allowable temporary construction easement lines. Any work outside of the cofferdam will be performed from a boat. Permanent impacts will be due to the footprint of the outlet structure. Temporary impacts will be due to dewatering and construction activity between the footprint and the wall of the cofferdam.

In addition, approximately 560 cubic yards of rip rap embankment will be excavated in construction of the cofferdam and outlet structure. Of the 560 cubic yards, 350 cubic yards will be completely removed from beneath the footprint of the outlet structure and filled with 3/4-inch diameter gravel wrapped in geotextile fabric and compacted fill material to prevent seismically induced settlement. Additionally, approximately 20 cubic yards of rip rap will be removed to rebuild the embankment around the outlet structure to recontour the rip rap shoreline to depths of minus five (-5) feet mean low water around the opening of the outlet structure..

Construction of the Marine Stadium outlet structure will take approximately 3 months.

Diversion System to County of Los Angeles Sanitation District Sewer Line

This component will include a diversion system to divert non-storm flows from the storm drain and direct them into an existing County sanitary sewer line. An underground storage box and a pump unit will be constructed to temporarily store the non-storm flows diverted from the proposed project until the water is conveyed to the sewer. The Los Angeles County Sanitation Districts will be responsible for treating the stormwater at existing sewage treatment plants. Based on an agreement with the County, the City will accept ownership and be responsible for operation and maintenance of the low-flow diversion system.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 7 Outfall Structures and Associated Intake Structures
(Permit No. 2007-230-PHT)

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9. Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The City of Los Angeles approved the project's Final Environmental Impact Report (SCH No. 2000111022) on August 5, 2008.
11. Receiving Water: Los Angeles County Coastal Feature, Marine Stadium (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: REC-1, REC-2, COMM, MAR, RARE, SHELL
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.013 temporary and 0.001 permanent acres
Ocean/Estuary/Bay: 0.00 temporary and 0.020 permanent 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 Best Management Practices, including, but not limited to, the following:
- A project marine biologist shall mark the positions of eelgrass beds with buoys prior to the initiation of any construction to minimize damage to eelgrass beds outside the construction zone.
 - The project marine biologist shall meet with the construction crews prior to dredging to review areas of eelgrass to avoid and

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to review proper construction techniques.

- Installation of a cofferdam will encompass the worksite to avoid possible movement of spoil and other debris into the tidal area.
- All equipment staging and laydown areas will be located within established roads and parking lot.
- All work will be confined to the excavation and temporary work site.
- A qualified marine biologist will resurvey the extent of eelgrass coincident with the construction easement to confirm the extent of eelgrass within the permanent and temporary impact areas.
- Upon completion of the project areas abutting the temporary work area shall be returned to grade all debris all materials (debris or extra soils) shall be removed from the site.
- If barges and work vessels are used during construction, measures shall be taken to ensure that eelgrass beds are not impacted through grounding, propeller damage, or other activities that may disturb the sea floor.
- Speed restrictions, off-limit areas, and use of shallow draft vessels will be employed.
- No construction materials, equipment, debris, or waste shall be place or stored where it may be subject to tidal erosion and dispersion.
- Construction materials shall not be stored in contact with the soil.
- Any construction debris within the temporary cofferdam area shall be removed from the site at the end of each construction day.
- During construction of the Marine Stadium outlet structure, floating booms shall be used to assist in containing debris discharged into Marine Stadium, and any debris discharged shall be removed as soon as possible but no later than the end of each

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day.

- A silt curtain shall be utilized to assist in controlling turbidity during construction of the cofferdam at Marine Stadium. The County of Los Angeles shall limit, to the greatest extent possible, the suspension of benthic sediments into the water column.
- Any discharge of fuel or oil from heavy machinery, construction equipment, or power tools into Marine Stadium shall be prevented.
- Oil booms and a silt curtain will be maintained at all times to minimize the spread of any accidental fuel spills, turbid construction-related water discharge, and debris.
- Construction workers will be trained in proper storage of fuels, lubricants, on-site spill response kits, and on emergency spill notification procedures.
- A qualified marine biologist shall monitor the construction process on a weekly basis to ensure that all water quality Best Management Practices are implemented, and to assist the project engineer in avoiding and minimizing environmental effects to benthic communities, including eelgrass.
- Within thirty days after the project is completed, a post-construction marine biological survey shall be conducted to determine the extent of any construction impacts on eelgrass habitat. The survey report will be completed within 30 days and shall be submitted to the California Coastal Commission, the U.S. Army Corps of Engineers, and this Regional Board.
- A qualified marine biologist shall be on site during the construction period to monitor the potential presence of green sea turtles. The onsite biological monitor shall have the authority to halt construction operations and when to proceed.
- Construction crews and work vessel crews shall be briefed on potential for this species to be present and will be provided with identification characteristics of sea turtles, since they may occasionally be mistaken for seals or sea lions.

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- In the event that a sea turtle is sighted within 500 meters (1,640 feet) of the construction zone, all construction activity shall be temporarily stopped until the sea turtle is safely outside the outer perimeter of construction.
- The biological monitor shall prepare an incident report of any green sea turtle activity in the project area and shall inform the construction manager to have his crews aware of the potential for additional sightings. The report shall be provided within 24 hours to the California Department of Fish and Game and the National Marine Fisheries Service.
- In the event that a California sea lion or a Pacific harbor seal is sighted within 500 meters (1,640 feet) of the construction zone, all construction activity shall be temporarily stopped until the sea lion or seal is safely outside the outer perimeter of construction.

Bird Habitat:

- During the breeding season for migratory non-game native bird species (February 15 through September 15), weekly bird surveys will be performed to detect any protected native birds in the trees to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors).
- The surveys will be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys.
- The surveys will continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of construction work. If a protected native bird is found, the Applicant will delay all construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.
- Limits of construction to avoid a nest should be established in

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the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of this measure will be recorded to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

- The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction operations can precede in all cases of discovered wildlife within the boundaries described above.

17. Proposed Compensatory Mitigation:

No mitigation is proposed for the project's permanent impact to the existing rip rap slope of the Marine Stadium (0.02 acre) from placement of the new outfall structure.

Per the Southern California Eelgrass Mitigation Policy, a pre-construction survey for eelgrass at the proposed location for the Termino Avenue Drain outlet structure will be conducted to confirm the area of permanent and temporary impacts to eelgrass.

Permanent Impact: 0.001 acre x 1.2 ratio = 0.0012 acre

Temporary Impact: 0.013 acre x 1.2 ratio = 0.0153 acre

TOTAL: 0.014 acre x 1.2 ratio = 0.0165 acre

The 0.0165 mitigation acres will include restoration of the temporarily impacted area and creation of new eelgrass habitat per the Eelgrass Mitigation Plan prepared by Coastal Resources Management, May 8, 2008.

18. Required Compensatory Mitigation:

The Applicant shall provide 0.0165 acres of Eelgrass mitigation. See *Attachment B, Conditions of Certifications, Additional Conditions, Items 21 through 23* for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification File No. 08-069

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 Commission's (CCC) Coastal Development Permit. **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 ACOE Section 404 Permit, or the CCC's Coastal Development 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)*.
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 approved maintenance plan, 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 and/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 Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
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.

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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.
14. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
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. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
17. The grading, and stabilization 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.
18. The Applicant shall utilize the services of a qualified biologist with expertise in required assessments during all construction activities where clearing involves impacts to areas under construction. 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.
19. 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** 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.
20. 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.

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Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

21. 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
 - total suspended solids(TSS)
 - 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%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be 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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

22. The Applicant shall restore the proposed **0.013** 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

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23. The Applicant shall provide **COMPENSATORY MITIGATION** to offset the proposed temporal loss of **0.013 acres** waters of the United States by creating or restoring riparian habitat at a minimum **1.2:1** area replacement ratio (**0.0153 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.001 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 1.2:1 area replacement ratio (0.0012 acres), for a total of **0.0165 acres**. The mitigation site shall be located within Marine Stadium/Alamitos Bay unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. 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 any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
24. 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 success 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 a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret 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

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**Conditions of Certification
File No. 08-069**

- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

- 25. Prior to any subsequent maintenance activities within the subject drainages, including maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's existing condition; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.

- 26. 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.

- 27. 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)”

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Conditions of Certification File No. 08-069

28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **08-069**. Submittals shall be sent to the attention of the 401 Certification Unit.
29. 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.
30. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to the City of Long Beach under NPDES No. CAS004003 and Waste Discharge Requirements Order No. 99 - 06 - DWQ. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. 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. 99-08-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.
31. 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.
32. 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.
33. *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

ATTACHMENT B

Conditions of Certification File No. 08-069

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.
34. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.