



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown
Governor

May 25, 2010

Mr. Christopher Stone, Assistant Deputy Director
Water Resources Division
Los Angeles County Flood Control District
P.O. Box 1460
Alhambra, California 91802-1460

DENIAL WITHOUT PREJUDICE OF WATER QUALITY CERTIFICATION FOR PROPOSED PACOIMA DAM AND RESERVOIR POST-FIRE SEDIMENT REMOVAL PROJECT, PACOIMA WASH, LOS ANGELES COUNTY, (FILE NO. 11-075)

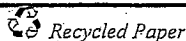
Regional Board staff has reviewed your April 6, 2011 request for a Clean Water Act Section 401 Water Quality Certification (401 certification) which proposes to remove approximately 2.4 million cubic yards of sediment from Pacoima Reservoir through dewatering of the reservoir and sluicing and subsequent flushing of sediment to Lopez Debris Basin over the next five (5) years. I hereby deny your application without prejudice pursuant to §3859(d) of Title 23 of the California Code of Regulations (23 CCR) because it is inadequate.

At this time, we are unable to certify your project, because we cannot conclude that impacts to waters of the United States have been appropriately avoided and minimized and that the project would not result in an unacceptable degradation of water quality. Section 401 of the Clean Water Act requires that we certify that your activities will not cause or contribute to a violation of the state water quality standards. Regional Board staff have significant concerns with regard to the proposed sluicing and the potential significant detrimental and long-term impacts to water quality and associated aquatic and riparian habitat.

Both the Pacoima Reservoir and the Pacoima Wash, both above and below the reservoir have existing aquatic life beneficial uses and existing ground water recharge beneficial uses which this Regional Board is charged to protect.

In our review of your application and Sediment Monitoring Plan, we do not find that the potential significant impacts have been minimized to the fullest degree possible and we do not find an analysis of alternatives which would include alternatives with less impact, such as a phased approach or a well-designed long-term approach. Alternatives and a more long-term comprehensive plan need to be identified and adequately analyzed for a project, such as the one proposed, to proceed. A Monitoring Plan for the proposed project was requested by Regional Board staff during a recent staff visit to the Pacoima Reservoir. The intent was that the Monitoring Plan would provide analysis of sediment transport, project impacts, and restoration

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- a. Proposed sampling locations for water quality testing and bioassessment
 - b. Proposed sampling frequency, including the proposed frequencies before, during and after the proposed sluicing operation.
 - c. Proposed water quality parameters to be assessed
 - d. Proposed bioassessment methods for vegetation and invertebrates
- Documentation which indicates that the Army Corps of Engineers has provided authorization for the use of the 7-acre sediment drying site to the northwest of Pacoima Wash, as well as for the sediment removal activities within Lopez Basin. In addition, Mission College currently has development plans for the 7-acre site; if the site will be used for sediment placement on a long-term basis, the agreement or understanding between the Los Angeles County Flood Control District and Mission College will need to be documented.
 - Description of impacts to occur through the channel above the reservoir (truck access route) and restoration plans for this segment.

You may choose to revise or submit any pertinent updated information in the future. Additional fees may be required, pursuant to 23 CCR §3833(4), if the revised application is not filed within twelve months of the date of this action; the revised application does not correct the procedural problems which led to this denial without prejudice; or the project has changed significantly in scope or its potential for adverse impact.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759 or LB Nye at (213) 576-6785.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Bill Orme, State Water Resources Control Board
Eric Raffini, US Environmental Protection Agency
Cherry Oo (File No. 2010-00833-CO), US Army Corps of Engineers
Kelly Schmoker, California Department of Fish and Game