



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

Mr. Hans Chang  
City of Los Angeles  
1149 S Broadway, MS 494  
Los Angeles, CA 90015

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7008 1140 0002 8671 9301

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED WASHINGTON BOULEVARD AT VENICE CANALS CULVERT REHABILITATION (J527) PROJECT (Corps' Project No. SPL-2015-00085-PKK), VENICE CANAL, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 15-068)**

Dear Mr. Chang:

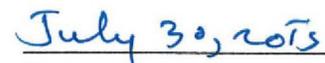
Board staff has reviewed your request on behalf of the City of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 25, 2015.

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

  
\_\_\_\_\_  
Date

## DISTRIBUTION LIST

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3883 Ruffin Rd Suite A  
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U.S. Fish and Wildlife Service  
2177 Salk Ave. Carlsbad Ca, 92008

California Coastal Commission  
200 Ocean Gate, 10th Floor  
Long Beach, CA 90802

**ATTACHMENT A**

**Project Information  
File No. 15-068**

1. Applicant: Hans Chang  
City of Los Angeles  
1149 S Broadway, MS 494  
Los Angeles, CA 90015  
  
Phone: (213) 485-1073
2. Applicant's Agent: James R Tebbetts  
City of Los Angeles  
1149 S Broadway, MS 939  
Los Angeles, CA 90015  
  
Phone: (213) 485-5732
3. Project Name: Washington Boulevard at Venice Canals Culvert Rehabilitation (J527)
4. Project Location: Venice Community, City of Los Angeles, Los Angeles County  
Washington Boulevard at Grand Canal, east of Strongs Drive.

<u>Latitude</u>	<u>Longitude</u>
33.9805	-118.4647
33.9804	-118.4645
33.9803	-118.4643
33.9801	-118.4645
339803	-118.4647
33.9804	-118.4699

5. Type of Project: Culvert Restoration
6. Project Purpose: The purpose of the project is to restore the functions of the deteriorated culverts which may have contributed to the depressions and voids underneath the Washington Boulevard. The Venice Canal system will flow as designed and no impact on the roadway infrastructure is expected. This project will benefit the local residents and businesses by improving road base stability and providing safer street for the travelling public.

In order to protect Washington Boulevard, the City decided to rehabilitate the culverts in two phases. The first phase (Venice Tidegate Replacement (Emergency Project)) was completed in the

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2009 and resulted in replacement of the inlet gates on the north side of the Washington Boulevard Bridge. During Phase I, it was observed that although both ends of the culvert were sealed, water was still seeping into the culverts from the surrounding walls indicating the presence of minor voids. This project will install a liner within the culverts to protect the Bridge infrastructure.

#### 7. Project Description:

The project will rehabilitate five (5) existing concrete culverts. Each culvert, measuring 110-feet long and 36-inches in diameter is located underneath Washington Boulevard where it crosses over the Grand Canal. The scope of work for the culverts includes rehabilitation of each culvert with the Spirally-Wound Profile Wall Lining method.

The activities for the Spirally-Wound Profile Wall Lining method of the culverts include: preconstruction Closed Circuit Television (CCTV) during low tide to evaluate existing pipe condition and locate all obstructions; host pipe cleaning to remove obstructions and marine biota; cleaning of the culverts for crustaceans and mollusks (i.e., barnacles, mussels, etc.).

Once the culverts have been cleaned and inspected, a HDPE Liner Pipe will be placed in the host culvert. A cofferdam will be installed at both ends of the relined culvert. Sandbags will be used at the bottom and sides of the pipe to seal, close sluice gate and dewater the isolated area. The gaps in the culverts will then be sealed between the new liner and the headwall opening at both ends with fast setting hydraulic cement.

Hub Plug hydraulic cement and AV-202 Multigrout will be used as the fast setting hydraulic cement for end sealing; and Sikadur 31 hi-mod gel as the no-shrinkage grout. The Contractor shall prevent dropping "fast setting hydraulic cement" or "Sikadur" into the canal while performing end sealing and crack repair at headwalls. CCTV inspection to confirm lining is satisfactory will be conducted post rehabilitation, all cracks on the headwall structure will be patched with no-shrinkage grout, and while not anticipated, if any native vegetation on banks is impacted or damaged, replacement shall be planted upon completion of construction activities.

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In order to dewater the area and not block flows entirely from the Canal, the Contractor will phase the dewatering to construct a portion of the pipes on one side and then phase to the other side.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. SPL-2015-00085-PKK
9. Other Required Regulatory Approvals: California Coastal Commission  
Coastal Development Permit
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines Section 15301.
11. Receiving Water: Ballona Lagoon / Venice Canals (Hydrologic Unit Code: 180701040403)
12. Designated Beneficial Uses: NAV, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET
13. Impacted Waters of the United States: Streambed: 0.10 temporary acres (160 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: In 2010 tidal gates were replaced on the upstream side of the Washington Boulevard Bridge. Further soil investigation to determine underground seepage paths and provide effective measures to minimize the water leakage under or through Washington Boulevard will be conducted.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Preconstruction Closed Circuit Television (CCTV) during low tide to evaluate existing pipe condition and locate obstructions.
  - Host pipe cleaning to remove obstructions and marine biota. Clean culvert of crustaceans and mollusks (i.e., barnacles, mussels, etc.). Move undamaged biota away from the work area to a safe area with similar tidal regime, if possible.
  - Install cofferdams at both ends of newly lined culverts.

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- Place sandbags at bottom and sides to seal, close sluice gate and dewater the isolated area.
- Seal gaps between the new liner and the headwall opening at both ends with fast setting hydraulic cement. The Contractor shall prevent dropping fast setting hydraulic cement into the canal while performing end sealing and crack repair at headwalls.
- If any native vegetation on banks is impacted or damaged, replacement shall be planted upon completion of construction activities.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project.

18. Required  
Compensatory  
Mitigation:

The project will be in-kind to repair the cracked concrete culverts under Washington Boulevard. Since the project impacts are temporary in nature and "concrete to concrete," 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.

## ATTACHMENT B

### Conditions of Certification File No. 15-068

#### 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, California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement, and the California Coastal Commission 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 CDFW's Streambed Alteration Agreement, the ACOE Section 404 Permit, or the 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)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

## ATTACHMENT B

### Conditions of Certification

File No. 15-068

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.
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 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The Applicant shall utilize the services of a qualified biologist. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and to ensure avoidance of any biological impacts. 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.

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### Conditions of Certification File No. 15-068

13. 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.

14. 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. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
15. 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)

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

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### Conditions of Certification File No. 15-068

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.

16. The Applicant shall restore **all areas** 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.
17. The Applicant shall submit to this Regional Board a **Final Monitoring Reports** (Final Report) by **January 1<sup>st</sup>** of the year following project completion. The Final Report shall describe in detail all of the project/construction activities performed during the previous year. At a minimum the Final Report 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 areas;
  - (c) Copies of all permits revised as required in Additional Condition 1;
  - (d) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
  - (e) A certified Statement of “no net loss” of wetlands associated with this project;
  - (f) Discussion of any monitoring activities and exotic plant control efforts; and
  - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
18. 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.

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(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.

19. 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)”

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-068**. Submittals shall be sent to the attention of the 401 Certification Unit.

21. 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.

22. 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.

23. 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.

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24. 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.
25. *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.
26. 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.