

Los Angeles Regional Water Quality Control Board

Ms. Patricia Wood
Los Angeles County Flood Control District
900 South Fremont Avenue
Alhambra, CA 91803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6365 8356

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED CALGROVE FIRE EMERGENCY PROTECTIVE MEASURES MAINTENANCE AND REPAIRS PROJECT (Corps' Project No. SPL-2015-00573-BLR), SOUTH FORK SANTA CLARA RIVER, CITY OF NEWHALL, LOS ANGELES COUNTY (File No. 16-073)

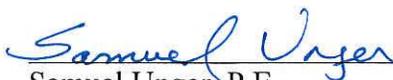
Dear Ms. Patricia Wood:

Board staff has reviewed your request on behalf of Los Angeles County Flood Control District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 7, 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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

October 19, 2016
Date

DISTRIBUTION LIST

Belinda Kwon
Los Angeles County Flood Control District
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Alhambra, CA 91803

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
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Matthew Chirdon (via electronic copy)
California Department of Fish and Wildlife
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3883 Ruffin Rd Suite A
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Regulatory Branch, Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

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(via electronic copy)
U.S. Environmental Protection Agency, Region 9
WRT-2-4
75 Hawthorne Street
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G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Avenue
Carlsbad CA 92008

ATTACHMENT A

**Project Information
File No. 16-073**

1. Applicant: Los Angeles County Flood Control District
900 South Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-6131 Fax: (626) 979-5436
2. Applicant's Agent: Belinda Kwon
Los Angeles County Flood Control District
900 South Fremont Avenue
Alhambra, CA 91803
Phone: (626) 979-6175 Fax: (626) 979-5436
3. Project Name: Calgrove Fire Emergency Protective Measures Maintenance and Repairs
4. Project Location: Newhall, Unincorporated Los Angeles County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.3504651807 | 118.53794132 |
| 34.3505546876 | 118.537952754 |
| 34.3506566967 | 118.537888653 |
| 34.3508535512 | 118.537589502 |
| 34.3509481121 | 118.53736028 |
| 34.3509676202 | 118.537159485 |
| 34.351012101 | 118.53685889 |
| 34.3510860758 | 118.536452477 |

5. Type of Project: Maintenance and repair to restore the debris barriers' protection capabilities
6. Project Purpose: The purpose of the proposed maintenance and repair activities (project) is to maintain several small debris basins above the Crescent Valley Mobile Home Park. Maintenance will be required during the next five years, while the burned watershed recovers the debris protection functions and capacities of the existing post fire emergency measures.
7. Project Description: The debris basins were installed to capture and divert from the mobile home park units as much debris flow as possible during a moderate to severe storm event. Cleanout and repair activities need to be implemented immediately after storms and before storm season to restore the debris barriers' protection capacities for future

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storms during the five-year watershed recovery period.

The project is in unincorporated Los Angeles County, Newhall area, off the I-5 Freeway, Exit 166, and east of the Crescent Valley Mobile Home Park.

Scope of work:

1. *Debris Removal – Existing Temporary Debris Barriers*

Debris deposited behind the barriers in the lower (east) canyon needs to be removed immediately after storms in order to restore protective capacity. The debris removal footprint areas are approximately 420 square feet (sq.ft), 600 sq.ft, and 2,280 sq.ft, respectively for a total area of 3,300 sq.ft. The anticipated maximum amount of debris that will need to be removed after one storm event is approximately 250 cy (the total capacity of the three debris barriers).

2. *Debris Removal – Existing Emergency Post-fire Debris Post-structures*

Debris deposited in the vicinity of the debris post-fire structures needs to be removed immediately in order to restore protective capacities. The debris removal footprint areas are approximately 600 sq.ft and 400 sq.ft, respectively for a total area of 1,000 sq.ft.

3. *Debris Removal – Existing Culverts*

The debris accumulated at the east and west canyon culvert pipes will need to be removed immediately after a storm to unplug the culverts. This will ensure the inlets/outlets at the culverts function properly when the next storm event occurs.

4. *As Needed Repairs on Existing Emergency Post-fire Structures*

Activities may include repair or replacing: the boiler tubes at the debris post-fire structures and the re-bars from the trashracks at the culverts; the rails, planking, concrete, riprap, or geotextile fabric at the debris barrier.

5. *Removal of Existing Emergency Post-fire Debris Barriers*

After the watershed significantly recovers in 5 years, the debris barriers will be removed and the canyons will be returned to

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pre-project conditions, to the extent feasible.

The impact areas of the proposed project are nearly devoid of vegetation due to the June 2015 Calgrove Fire. The fire-damaged live trees that remain are expected to recover. Equipment will access all locations via existing access road except the pipe and timber barrier. Equipment will access via an existing access ramp, which is accessible from the existing access road. The access ramp is located approximately 45 feet upstream of the pipe/rail and timber barrier at Location 5 and is 10-feet-wide.

The areas of impact from the proposed project are summarized in the table below. Impacts to native fish, wildlife, plants, and habitat are not expected to occur as a result of the proposed project.

| Activity | NonWetland Waters | | Wetland Waters | |
|---------------------|-------------------|-------------------|-------------------|-------------------|
| | Permanent (acres) | Temporary (acres) | Permanent (acres) | Temporary (acres) |
| Upper (West) Canyon | 0 | 0.003 | 0 | 0 |
| Lower (East) Canyon | 0 | 0.013 | 0 | 0 |
| TOTAL | 0 | 0.016 | 0 | 0 |

- 8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 31 (Permit No. SPL-2015-00573-BLR)

- 9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement

- 10. California Environmental Quality Act Compliance: The proposed project is Exempt from CEQA pursuant to Section 15301 Existing Facilities.

- 11. Receiving Water: South Fork Santa Clara River (Hydrologic Unit Code: 180701020401)

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12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD

*Conditional beneficial use

13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.016 temporary (350 linear feet)

14. Dredge Volume: None

15. Related Projects Implemented/to be Implemented by the Applicant: These emergency debris protective structures were installed in fall 2015 in the wake of the Calgrove Fire. The installation was performed under the United States Army Corps of Engineers' (Corps') Regional General Permit No. 63 and attendant 401 Water Quality Certification (Authorization No. SPL-2015-00573-AP, dated September 11, 2015 and File No. 15-091), and California Fish and Wildlife Emergency Streambed Alteration Agreement No. 1350001.

Concurrent with the post fire emergency work, Southern California Edison (SCE) performed work at the culverts as part of its power line upgrade project, under a Nationwide Permit (No. SPL-2014-00492-PKK) and 401 Water Quality Certification (File No. 14-101). To the best of our knowledge, SCE has completed its project.

The storms during January and March 2016 caused significant debris accumulation at the emergency protective structures. Public Works responded with emergency cleanouts at these structures. The work was authorized under California Fish and Wildlife Emergency Streambed Alteration Agreement No. 1350001 and under the Corps' Regional General Permit No. 63 and attendant 401 Water Quality Certification (Authorization No. SPL-2015-00573-BLR, dated January 22, 2016/March 16, 2016 and File No. 16-008).

16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Trash, debris, refuse, and cleared vegetation will be removed and disposed of according to local waste refuse programs.
- The equipment used during construction will not be stored or maintained in the streambed or channel.

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- Maintenance activities will occur during clear weather forecasts.
- No construction-related materials such as waste, spills, or residue will be discharged from the project site to drainage facilities, receiving waters, or adjacent property by wind or runoff.
- All vehicles including equipment will be maintained and checked prior to entering the worksite, to ensure no oil, petroleum byproducts, and/or exotic specimen will enter the streambed.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts located on burned areas with no habitat value. Impacts to native fish, wildlife, plants, and habitat are not expected to occur.

18. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional 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. 16-073

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 Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement. **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, 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. 16, 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.
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

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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. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
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.
14. All maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank

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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 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%. A summary of the analyses and compliance above shall be included. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

16. The Applicant shall restore **all 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.
17. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and

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mitigation efforts. At a minimum the Annual Reports 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) The overall status of project including 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.
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.
 - (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.

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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 **16-073**. 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.
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

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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.

