



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Lisa Rapp  
City of Lakewood  
5050 Clark Avenue  
Lakewood, CA 90712

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7012 3460 0001 6365 8394

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED LAKEWOOD STORMWATER AND RUNOFF CAPTURE PROJECT AT BOLIVAR PARK PROJECT (Corps' Project Non-Notify), DEL AMO CHANNEL, CITY OF, LOS ANGELES (File No. 16-133)**

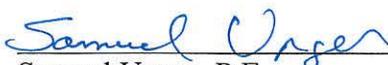
Dear Ms. Rapp:

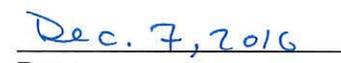
Board staff has reviewed your request on behalf of City of Lakewood (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 6, 2016.

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

  
\_\_\_\_\_  
Date

## DISTRIBUTION LIST

Jason Fussel Tetrattech (via electronic copy)  
865 Aerovista Place, Suite 230  
San Luis Obispo, CA 93401

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Brock Warmuth (via electronic copy)  
California Department of Fish and Wildlife  
Streambed Alteration Team  
3883 Ruffin Rd Suite A  
San Diego, CA 92123-4813

Jessica Vargas (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

Melissa Scianni  
Elizabeth Goldmann  
(via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
WRT-2-4  
75 Hawthorne Street  
San Francisco, CA 94105

G. Mendel Stewart  
Johnathan Snyder  
U.S. Fish and Wildlife Service  
2177 Salk Avenue  
Carlsbad CA 92008

**ATTACHMENT A**

**Project Information  
File No. 16-133**

1. Applicant: City of Lakewood  
Lisa Rapp  
Lakewood, CA 90712  
  
Phone: (562) 866-9771  
Email: lrapp@lakewoodcity.org
2. Applicant's Agent: Tetrattech  
Jason Fussel  
865 Aerovista Place, Suite 230  
San Luis Obispo, CA 93401  
  
Phone: (805) 542-9052 Fax: (805) 542-9254  
Email: Jason.fussel@tetrattech.com
3. Project Name: Lakewood Stormwater and Runoff Capture Project at Bolivar Park
4. Project Location: City of Lakewood, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.847075	118.150391
33.847015	118.150297
33.846989	118.150192
33.846988	118.150110
33.846884	118.150109
33.846886	118.150208
33.846896	118.150273
33.846947	118.150400
33.847048	118.150514

5. Type of Project: Stormwater Capture
6. Project Purpose: The purpose of the project is to capture dry weather runoff and a portion of wet weather runoff in order to eliminate the transport of metals and other pollutants to the Los Cerritos Channel during dry weather, and to capture at least the first flush of wet weather runoff to reduce the load of pollutants transported downstream to the metals TMDL compliance point at the Stearns Street monitoring site. The proposed project also will likely reduce the amount of potable water used for irrigation of parks and other public open space in the city, with the re-use of water from this diversion and storage structure.
7. Project Description: The proposed project will construct a channel drop inlet diversion

## ATTACHMENT A

### Project Information File No. 16-133

structure and install an Obermeyer Rubber Gate in the concrete-lined channel to divert flows. The project also entails installation of a pretreatment device (20 CFS), two new pump stations (5 CFS and 20 CFS), and installation of new pumps, motors, mechanical and storm drain piping. The inlet will connect to an underground storage and infiltration area which will provide water quality improvements and infiltrate water below Bolivar Park.

All equipment will be lowered into the channel and the channel will be used for access only on a temporary basis or in the event of an approaching storm. The access for equipment to enter the channel is significantly far from the project site and will only be used if equipment is needing to be removed quickly. In order to avoid impacts during the project construction and having construction equipment drive long distances through the channel, equipment will be lowered into the channel at the project site.

The work will occur at two locations: Los Angeles County Flood Control District parcel and channel located southeast corner of the intersection of Del Amo Boulevard and Downey Avenue, and Bolivar Park which is located at 3300 Del Amo Boulevard, both in the City of Lakewood. Additional work will be located within the Del Amo Boulevard frontage road extending from Obispo Street to the County owned parcel, described above. The City of Lakewood will be responsible for long term maintenance of the project.

- |                                                            |                                                                                                                                    |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 8. Federal Agency/Permit:                                  | U.S. Army Corps of Engineers<br>NWP No. 43 Non-notify                                                                              |
| 9. Other Required<br>Regulatory Approvals:                 | California Department of Fish and Wildlife<br>Streambed Alteration Agreement                                                       |
| 10. California<br>Environmental Quality<br>Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction. |
| 11. Receiving Water:                                       | Receiving water from Basin Plan (Hydrologic Unit Code: 180701060600)                                                               |
| 12. Designated Beneficial<br>Uses:                         | MUN*, REC-1, REC-2, WARM, WILD<br>*Conditional beneficial use                                                                      |
| 13. Impacted Waters of the<br>United States:               | Non-wetland waters (concrete-lined channel): 0.1 temporary and 0.1 permanent acres and 90 temporary linear feet.                   |

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14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Progress Park in Paramount is planned to divert only wet weather up to the 85<sup>th</sup> percentile storms.  
Mayfair Park is planned to divert dry weather and a portion of wet weather flows will be captured, filtered, and used for irrigation purposes. Excess flows will be sent back to the channel.  
Potential Effect of the planned projects: Removal of dry weather flows in channels and a portion of wet weather flows, which also includes the removal of metals, bacteria, trash, debris, and other pathogens.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Gravel Bags implemented along pathways around storm drains, and as needed for temporary runoff diversion.
  - No work will occur within the channel when a rain event is forecasted within the watershed.
  - An Evacuation Work Plan in the event of a storm event within the watershed will be prepared and submitted for approval by the Contractor before any work within the channel is authorized.
17. Proposed Compensatory Mitigation: The Applicant has not proposed any additional compensatory mitigation.
18. Required Compensatory Mitigation: The Regional Board will not require any additional compensatory mitigation, as this project is located within a concrete-lined channel. The proposed project is being implemented as a water-conservation measure.  
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. 16-133

#### 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.

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### Conditions of Certification File No. 16-133

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. 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. See:

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14. All project/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 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 and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.

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17. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1<sup>st</sup>** of the year following project completion. 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 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 of whether or not work has begun on the Project;
  - (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. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, 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/basin’s existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
19. 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.

20. 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)”

21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **16-133**. Submittals shall be sent to the attention of the 401 Certification Unit.

22. 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.

23. 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.

24. 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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### Conditions of Certification File No. 16-133

25. 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.
26. *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.
27. 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.

