

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 6366 0366

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SUNSET UPPER DEBRIS BASIN DAM MODIFICATION PROJECT (Corps' Project No. 2016-00291-BLR), TRIBUTARY TO BURBANK WESTERN CHANNEL, CITY OF BURBANK, LOS ANGELES COUNTY (File No. 16-066)

Dear Ms. Wood:

Board staff has reviewed your request on behalf of Los Angeles County Flood Control (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 8, 2016.

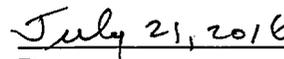
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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

Belinda Kwan (via electronic copy)
Los Angeles County Flood Control District
900 South Fremont Avenue
Alhambra, CA 91803

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State Water Resources Control Board
Division of Water Quality
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Matthew Chridon
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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. 16-066**

1. Applicant: Los Angeles County Flood Control
900 South Fremont Avenue
Alhambra, CA 91803
2. Applicant's Agent: Belinda Kwan
Los Angeles County Flood Control District
900 South Fremont Avenue
Alhambra, CA 91803
- Phone: (626) 458-6175 Fax: (626) 979-5436
3. Project Name: Sunset Upper Debris Basin Dam Modification
4. Project Location: Burbank, Los Angeles County

Latitude	Longitude
34.2050	118.2850
34.2055	118.2847
34.2060	118.2843
34.2060	118.2838
34.2052	118.2843
34.2046	118.2847
34.2045	118.2853
34.2045	118.2850

5. Type of Project: Debris basin reconstruction
6. Project Purpose: The purpose of the proposed Sunset Upper Debris Basin Dam Modification Project is to increase the capacity of the Sunset Upper Debris Basin, thus reducing, by up to 8,000 cubic yards (cy), the amount of debris which may be carried downstream from the Upper Sunset Canyon Watershed. The proposed project involves raising the height of the dam to increase the capacity of the associated debris basin.
7. Project Description: Sunset Canyon is located in the Verdugo Mountains in the County of Los Angeles. The Sunset Upper Debris Basin is located within the City of Burbank and north of the terminus of Country Club Drive. The Sunset Upper Debris Basin is owned by the Los Angeles County Flood Control District (LACFCD).
- The watershed tributary to the debris basin could produce up to 63,100 cy of debris. The current maximum storage capacity of

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Sunset Upper Debris Basin is 20,000 cy. As a result, the neighborhood below the debris basin may be exposed to significant debris impacts during storms, especially when the watershed is burned.

Debris Dam Modification

The existing dam spillway will be reconstructed to raise its invert elevation by 5 feet (ft). The crest of the dam will also be raised by 5 ft by constructing a parapet wall on top of the existing dam crest and extending the trash rack cage behind the spillway. The parapet wall and most of the trash rack cage extension are located outside of jurisdictional limits of Waters of the United States or State (Waters). Construction equipment will be staged within the debris basin, which is within Waters, but will be limited to areas already permitted for disturbance under existing annual maintenance permits. To accommodate the staging and movement of construction equipment, the area within the construction impact footprint will be mowed at the start of construction activity (This activity is authorized under the existing permits for annual maintenance of the debris basin). Additionally, some construction equipment will access the debris dam via the existing concrete channel, which is within Waters, located downstream of the debris dam. Equipment will be staged downstream of the dam on concrete surfaces for approximately 1 week.

Access Road Modification

The existing dirt access road running along the southern end of the dam will be raised by up to 4.8 feet over a distance of approximately 104 linear feet to match the new dam elevation. Construction of the access road will require the installation of a reinforced concrete retaining wall to support the road embankment from its existing grade to the proposed grade. Compacted fill will be used to raise the 12- to 14-foot-wide access road and a concrete gutter will be installed along the southern edge of the road. Additionally, the existing guard rails along the western portion of the access road will be removed and the rail posts modified per California Department of Transportation standards. The new access road will be paved with asphalt and subbase material. The access road work is located outside the Waters and jurisdictional areas of the California Department of Fish and Wildlife (CDFW).

Replace Protective Fences

The existing protective fences located north of the debris dam will be removed during construction and will then be reinstalled. The

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fences are located outside Waters and the jurisdictional areas of CDFW.

Project Impacts

Activity	Non Wetland Waters		Wetland Waters	
	Permanent (ac)	Temporary (ac)	Permanent (ac)	Temporary (ac)
Upstream Staging/Site Preparation	0	N/A**	0	0
Downstream Staging Area	0	0.04	0	0
TOTAL	0	0.04	0	0

** Already permitted for disturbance under existing permits for annual maintenance activities

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 43 (Permit No. 2016-00291-BLR)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: On April 19, 2014, LACFCD adopted a Mitigated Negative Declaration for this project.
11. Receiving Water: Burbank Western Channel (Hydrologic Unit Code: 180701050208)
12. Designated Beneficial Uses: MUN*, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.04 temporary acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Routine maintenance activities authorized by the existing permits will continue with the implementation of the proposed project. The existing debris basin maintenance permits (SAA 1600-2008-0290-R5; WQC File No. 02-144; RGP No. SPL-2003-00411-KW) will

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be amended to accommodate the increase in basin capacity and maintenance footprints.

16. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Prior to ground disturbing activities, qualified biologists will conduct a biological preconstruction survey and a bird nesting survey if construction falls within bird nesting season.
- Exclusionary measures will be employed to minimize impacts to nesting birds during construction activities. Exclusionary measures may include use of mylar flash tape and removal of nonnative vegetation within impact acres, prior to the start of the bird nesting season.
- A preconstruction survey will be conducted to confirm the presence or absence of the coastal California gnatcatcher. If the species is observed during the preconstruction survey, approved avoidance and minimization measures will be implemented. These measures may include avoidance buffers as determined by a permitted gnatcatcher biologist, biological monitoring by a permitted gnatcatcher biologist during construction and maintenance activities; construction and maintenance activities restricted to occur outside the breeding season (February 14 through August 15); or noise restrictions near the occupied areas.
- Trash, debris, refuse, and cleared vegetation will be removed and disposed of according to local waste refusal programs.
- The equipment used during construction will not be stored or maintained in the streambed or channel.
- Construction will be sequenced such that the majority of the work in the debris basin and downstream channel is completed during the dry season or during clear weather forecasts.
- If project activities occur during the rainy season (October 15 through April 15), a Surface Water Diversion Plan will be provided by the contractor and submitted to the regulatory agencies prior to implementation.
- No construction-related materials such as waste, spills, or residue

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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.
- Concrete removal management will be implemented to properly dispose of concrete at disposal sites legally permitted to accept such material.
- A water truck will be used to control dust during grading activities.

17. Proposed
Compensatory
Mitigation:

None.

18. Required
Compensatory
Mitigation:

Because project impacts to Waters are temporary and are located on developed/disturbed areas with limited habitat value or within areas permitted for disturbance under existing permits, 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. 16-066

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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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. 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.
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. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. 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

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be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

14. Pre-construction surveys for gnatcatcher shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife requirements. According to biological reports provided by Public Works, there is potential for the coastal California gnatcatcher to occur at this site, but none were observed during the initial survey.
15. 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.
16. All project 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.
17. 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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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.

18. 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.
19. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1st** of the year following project completion. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and 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;
 - (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.
20. 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.

21. 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)”

- 22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **16-066**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 23. 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.
- 24. 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.
- 25. 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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26. 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.
27. *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.
28. 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.